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PROCEEDINGS AND DEBATES OF THE *108<sup>th</sup>* CONGRESS, FIRST SESSION

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WASHINGTON, SATURDAY, APRIL 12, 2003

No. 60

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, April 28, 2003, at 12 noon.

## House of Representatives

SATURDAY, APRIL 12, 2003

The House met at 10 a.m.

The Reverend Stephen J. Rossetti, President, Saint Luke Institute, Silver Spring, Maryland, offered the following prayer:

Good and gracious God, during this season of the year, springtime follows winter, and we witness the emergence of new life. We see how You bring life out of death, light out of darkness, and hope supplants fear.

Fill us with Your goodness, so that we might be instruments of Your hands. May we, filled with this divine grace, be agents of a new springtime in our country and in our world.

Help us to bring Your freedom where there has been tyranny and Your healing where there has been much pain.

You are our hope. As we stretch out our hands into this country and into this world, may they be Your hands, offering a springtime of freedom and a message of new life.

As always, we raise our eyes to You, and give thanks.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. ISAKSON) come forward and lead the House in the Pledge of Allegiance.

Mr. ISAKSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1770. An act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 703. An act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the "Carl T. Curtis National Park Service Midwest Regional Headquarters Building".

S. 763. An act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the "Birch Bayh Federal Building and United States Courthouse".

The message also announced that the Senate has passed joint resolution titles in which the concurrence of the House is requested.

S.J. Res. 8. Joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 36. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Service Banner and the Gold Star.

S. Con. Res. 37. Concurrent resolution expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots.

S. Con. Res. 38. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

### CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H3357

September 30, 2003, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-76)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1559), "making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:*

TITLE I—WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$110,000,000, to remain available until expended.

PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$369,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation \$69,000,000 to acquire a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust: Provided further, That the authority contained in 7 U.S.C. 1736f-1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "General Administration, Salaries and Expenses", \$5,000,000, to remain available until September 30, 2004.

COUNTERTERRORISM FUND

For an additional amount for "Counterterrorism Fund", \$20,000,000, to remain available until December 31, 2003: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of division B of Public Law 108-7.

DETENTION TRUSTEE

For an additional amount for "Detention Trustee" for the detention of Federal prisoners in the custody of the United States Marshals Service, \$40,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$2,500,000, to remain available until September 30, 2004.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES

MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service" for necessary expenses, \$8,000,000, to remain available until September 30, 2004.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Federal Bureau of Investigations, Salaries and Expenses", \$367,192,000, to remain available until September 30, 2004: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", \$54,750,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Supreme Court of the United States, Salaries and Expenses" for police enhancements, \$1,535,000, to remain available until September 30, 2004.

UNITED STATES COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "United States Court of Appeals for the Federal Circuit, Salaries and Expenses" for court security officer expenses, \$973,000, to remain available until September 30, 2004.

UNITED STATES COURT OF INTERNATIONAL  
TRADE

SALARIES AND EXPENSES

For an additional amount for "United States Court of International Trade, Salaries and Expenses" to enhance security, \$50,000.

DEPARTMENT OF STATE AND RELATED  
AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", \$88,420,000, to remain available until December 31, 2003: Provided, That \$35,800,000 shall be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq.

In addition, for the costs of worldwide security upgrades, \$10,000,000, to remain available until December 31, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND  
MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", \$149,500,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR  
SERVICE

For an additional amount for "Emergencies in the Diplomatic and Consular Service", \$50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for "Diplomatic and Consular Programs".

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to the Middle East Television Network broadcasting to the Middle East and radio broadcasting to Iraq, \$30,500,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated under this Chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$7,700,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,600,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,200,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$2,800,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$3,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$100,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$16,000,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$5,100,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,650,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$7,100,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$1,200,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$3,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$7,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$20,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL  
GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$75,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$20,000,000.

IRAQ FREEDOM FUND

(TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as

the "Iraq Freedom Fund". For additional expenses for ongoing military operations in Iraq, and those operations authorized by Public Law 107-40, and other operations and related activities in support of the global war on terrorism, not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution, replacement of munitions and equipment, and other costs, there is hereby appropriated \$15,678,900,000, to remain available for transfer until September 30, 2004: Provided, That amounts provided under this heading shall be available for transfer for the following activities:

Not less than \$1,771,180,000 for classified programs, which shall be in addition to amounts provided for elsewhere in this chapter, and under this heading, for procurement and research, development, test and evaluation;

Not less than \$1,100,000,000 for increased fuel costs, for transfer to "Defense Working Capital Funds";

Up to \$1,400,000,000 for transfer to "Operation and Maintenance, Defense-Wide", only for purposes further specified in section 1310 of this chapter;

Up to \$489,300,000 for transfer to the "Natural Resources Risk Remediation Fund";

Up to \$400,000,000 for transfer to Department of Homeland Security, "United States Coast Guard, Operating Expenses", to support military activities in connection with operations in and around Iraq and the global war on terrorism;

Up to \$57,600,000 for research, development, test, and evaluation; and

Up to \$25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism, including equipment, supplies and services, on such terms as the Secretary of Defense, with the concurrence of the Secretary of State and 15 days following submission of a financial plan for the use of such funds to the congressional defense committees, may determine:

Provided further, That in addition to the transfers authorized in the preceding proviso, the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program appropriation; and working capital funds: Provided further, That the funds transferred under this heading shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary of Defense shall submit a report no later than July 1, 2003, and then 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

#### NATURAL RESOURCES RISK REMEDIATION FUND (TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the "Natural Resources Risk Remediation Fund". Funds transferred to, appropriated to, and contributions made to, the Natural Re-

sources Risk Remediation Fund may be made available for expenses necessary, in and around Iraq, to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: Provided, That up to \$489,300,000 of the funds appropriated to the Iraq Freedom Fund in this Act may be transferred to this fund: Provided further, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided further, That funds available in the Defense Cooperation Account may be transferred to and merged with the Natural Resources Risk Remediation Fund: Provided further, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation: Provided further, That in administering the Natural Resources Risk Remediation Fund during fiscal year 2003, the Secretary of Defense may transfer funds from the Iraq Freedom Fund only to the extent that amounts transferred from the Defense Cooperation Account and amounts accepted pursuant to the authority of the second proviso of this paragraph are not currently available: Provided further, That, hereafter, contributions of money deposited into the Natural Resources Risk Remediation Fund shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the Defense Cooperation Account under section 2608, chapter 155 of title 10, United States Code: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$4,100,000.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$3,100,000.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$53,300,000.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$447,500,000.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$241,800,000.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$113,600,000.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$451,000,000.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$11,500,000.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$70,000,000, to remain available for obligation until September 30, 2004.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$501,700,000 for Operation and maintenance.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$34,000,000.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107-248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108-7).

SEC. 1302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in previous fiscal year 2003 appropriations acts which make appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within four years of enactment of this Act.

SEC. 1304. (a) Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "\$25,000,000" and inserting "\$50,000,000".

(b) During fiscal year 2003 and notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code, of the total amount available under such heading for the CINC initiative fund account (as amended by subsection (a)), not more than \$15,000,000 may be used for the purpose described in subparagraph (A) of such section 166a(e)(1), not more than \$10,000,000 may be used for the purpose described in subparagraph (B) of such section, and not more than \$10,000,000 may be used for the purpose described in subparagraph (C) of such section.

SEC. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is amended under the heading "Operation and Maintenance, Defense-Wide" by striking "\$34,500,000" and inserting "\$50,000,000".

#### (TRANSFER OF FUNDS)

SEC. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107-248), is amended—

(1) by striking "\$2,000,000,000", and inserting "\$2,500,000,000";

(2) by striking the date "May 31, 2003", and inserting "June 30, 2003"; and

(3) by striking the sixth proviso, as added by section 112 of division M of Public Law 108-7, beginning with "Provided further" and ending with "to which transferred".

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 1307. In addition to amounts made available elsewhere in this Act for the Department of

Defense, \$165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107-327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

SEC. 1308. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1309. (a) Of the amounts available to the Secretary of Defense, \$63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section 4(a)(2)(B) of that Act.

(b) Section 4(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

“(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed \$86,500,000 in fiscal year 2003.”.

(c) Notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 4(a)(2) of the Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose not later than seven days following the exercise of the drawdown authority.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 1310. Up to \$1,400,000,000 of funds transferred under the authority provided under the heading “Iraq Freedom Fund” to “Operation and Maintenance, Defense-Wide” may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That unless expressly provided in an appropriations act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds

other than those additional amounts provided herein shall be made available for any payments intended to fulfill the purposes specified in this section and similar reimbursement authorities expressly provided in section 304 of Public Law 107-117 and within the “Operation and Maintenance, Defense-Wide” appropriation account enacted in Public Law 107-206: Provided further, That not later than July 1, 2003, the Secretary of Defense shall submit a report in writing to the Committees on Appropriations that includes a financial plan for the obligation and expenditure of such funds: Provided further, That if such report is not provided to the Committees on Appropriations by the date specified in the previous proviso, unobligated balances of funds that are available from the amounts provided in this chapter for the purposes specified under this section shall be returned to the Treasury of the United States: Provided further, That, beginning not later than July 1, 2003, the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the uses of funds made available for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with military action in and around Iraq and the global war on terrorism.

#### (TRANSFER OF FUNDS)

SEC. 1311. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may transfer between appropriations up to \$2,000,000,000 of the funds made available in this chapter: Provided, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 107-248 except for the fourth proviso.

SEC. 1312. The Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of \$7,500,000.

#### (TRANSFER OF FUNDS)

SEC. 1313. As of October 31, 2003, all balances of funds remaining in the “Defense Emergency Response Fund” shall be transferred to, and merged with, the “Iraq Freedom Fund”, and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the “Iraq Freedom Fund” in this chapter.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 1314. TECHNICAL ADJUSTMENTS TO PUBLIC LAW 107-248. Notwithstanding any other provision of law, the following adjustments and transfers shall apply to funds previously made available, and to restrictions, in the Department of Defense Appropriations Act, 2003 (Public Law 107-248):

(1) Under the heading, “Operation and Maintenance, Army National Guard”, not more than \$3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina National Guard; and, in addition, appropriations available during fiscal year 2003 under the heading, “Operation and Maintenance, Army”, not more than \$2,000,000 is available for training range enhancements at Fort Indiantown Gap, Pennsylvania and, further, appropriations available for the Air Battle Captain program at the University of North Dakota may be used to provide summer flight training to the United States Military Academy cadets;

(2) Under the heading, “Operation and Maintenance, Air Force”, not more than \$6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range;

(3) Under the heading, “Procurement, Defense-Wide”, strike “purchase of 4” and insert “purchase of 6”; and

(4) Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds provided in Public Law 107-248 for the Dismounted Intelligence Situation Mapboard (DISM) program, and such funds, once transferred, are available for the Dismounted Intelligence Situation Mapboard (DISM) program: Provided, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, “Other Procurement, Army, 2003/2005”, \$3,600,000; and

Under the heading, “Research, Development, Test and Evaluation, Army, 2003/2004”, \$2,800,000;

To:

Under the heading, “Procurement, Marine Corps, 2003/2005”, \$2,800,000;

Under the heading, “Procurement, Defense-Wide, 2003/2005”, \$2,800,000;

Under the heading, “Research, Development, Test and Evaluation, Navy, 2003/2004”, \$1,400,000; and

Under the heading, “Research, Development, Test and Evaluation, Defense-Wide, 2003/2004”, \$1,400,000.

SEC. 1315. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2608; 10 U.S.C. 2406c note) is amended by striking “on or after the date of the enactment of this Act” and inserting “on or after January 1, 2004”.

SEC. 1316. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking “\$150” and inserting “\$225”.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking “\$100” and inserting “\$250”.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2002 and shall apply with respect to months beginning on or after that date.

#### (RESCISSION OF FUNDS)

SEC. 1317. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount: “Research, Development, Test and Evaluation, Navy, 2003/2004”, \$3,400,000.

SEC. 1318. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, in addition to the transportation benefits authorized under that section, travel allowances may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SEC. 1319. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring

Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than \$250 for the procurement of civilian attire for any member under subsection (a).

#### CHAPTER 4

### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### OPERATION AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for "Operation and Maintenance, General", \$39,000,000, to remain available until expended.

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for "Water and Related Resources", \$25,000,000, to remain available until expended.

### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

##### SCIENCE

For an additional amount for "Science" for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, \$11,000,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY ADMINISTRATION

##### WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities" for expenses necessary to safeguard nuclear weapons and nuclear material, \$67,000,000, to remain available until expended: Provided, That \$20,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That \$47,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

#### DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", \$148,000,000, to remain available until expended.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", for expenses necessary to support safeguards and security activities at nuclear and other facilities, \$6,000,000, to remain available until expended.

#### OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", \$4,000,000, to remain available until expended.

#### CHAPTER 5

### BILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE

##### PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", \$90,000,000, to remain available until September 30, 2004.

##### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", \$143,800,000, to remain available until expended: Provided, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this

Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: Provided further, That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than 5 days prior to the exercise of such authority.

##### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$24,500,000, of which not less than \$3,500,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### IRAQ RELIEF AND RECONSTRUCTION FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for humanitarian assistance in and around Iraq and to carry out the purposes of the Foreign Assistance Act of 1961 for rehabilitation and reconstruction in Iraq, there is appropriated to the President, \$2,475,000,000, to remain available until September 30, 2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture: Provided, That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Defense, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: Provided further, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That prior to the initial apportionment of funds made available under this heading to any agency or department, the President, or his designee, shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: Provided further, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds appropriated under this heading or transferred under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notification of

the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

##### ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", \$2,422,000,000, of which:

(1) not less than \$700,000,000 shall be made available for assistance for Jordan;

(2) \$300,000,000, to remain available until September 30, 2005, shall be made available only for grants for Egypt: Provided, That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed \$2,000,000,000: Provided further, That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for full payment and performance of such obligations: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlaid under this paragraph;

(3) not to exceed \$1,000,000,000, to remain available until September 30, 2005, for grants for Turkey: Provided, That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed \$8,500,000,000: Provided further, That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loans or loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That none of the funds made available by this paragraph may be made available for assistance for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of Turkey is not cooperating with the United States in Operation Iraqi Freedom, including

the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed troops into northern Iraq: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph: Provided further, That any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for "Iraq Relief and Reconstruction Fund";

(4) not less than \$30,000,000 for assistance for the Philippines to further prospects for peace in Mindanao, and not less than \$167,000,000 for assistance for Afghanistan: Provided, That of the funds appropriated under this heading, \$10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice;

(5) regional funds made available under this heading for assistance that are not specified in paragraphs (1) through (4) shall be subject to the regular notification procedures of the Committees on Appropriations; and

(6) unless otherwise specified herein, funds appropriated under this heading shall remain available until September 30, 2004.

#### LOAN GUARANTEES TO ISRAEL

During the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which is to be guaranteed, not to exceed \$9,000,000,000, of which up to \$3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which \$3,000,000,000 may be issued subsequent to September 30, 2004: Provided, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: Provided further, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: Provided further, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: Provided further, That the President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: Provided further, That the interest rate for loans guaranteed under this heading may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this heading in the event the borrower elects not to finance such costs or fees out of loan principal: Provided further, That no appropriations under this heading

are available for the subsidy costs for these loan guarantees: Provided further, That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: Provided further, That all fees (as defined in section 601(e) of Public Law 102-391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: Provided further, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: Provided further, That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", \$25,000,000, to remain available until September 30, 2004.

##### ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the "Andean Counterdrug Initiative", \$34,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than \$5,000,000 should be made available for programs and activities to assist persons who have been displaced as a result of armed conflict.

##### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", \$80,000,000, to remain until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", \$28,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the "Foreign Military Financing Program", \$2,059,100,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That of the funds appropriated under this heading, not less than \$406,000,000 shall be made available for grants only for Jordan and not less than \$1,000,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for

advanced weapons systems, of which not less than \$263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That up to \$20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading "Andean Counterdrug Initiative" for aircraft, training, and other assistance for the Colombian Armed Forces: Provided further, That, except for Israel and Jordan, funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the commitment of funds: Provided further, That such notification shall be in the form of a report (in classified or unclassified form) which contains each country receiving assistance from funds aggregated under this heading, other than Israel and Jordan, the amount of assistance to be provided and a description of the equipment and other assistance being financed from such funds.

##### PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$100,000,000, to remain available until September 30, 2004.

##### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1501. Any appropriation made available in this chapter under the headings "International Disaster Assistance", "United States Emergency Refugee and Migration Assistance Fund", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", "Peacekeeping Operations", or "Iraq Relief and Reconstruction Fund" may be transferred between such appropriations for use for any of the purposes for which the funds in the such receiving account may be used: Provided, That the total amount transferred from funds appropriated under these headings shall not exceed \$100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

SEC. 1502. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108-7: Provided further, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 1503. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: Provided, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484), except that such Act shall not apply to humanitarian assistance and supplies: Provided further, That the President may make



inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: Provided further, That military equipment, as defined by Title XVI, section 1608(1)(A) of Public Law 102-484, shall not be exported under the authority of this section: Provided further, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: Provided further, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: Provided further, That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: Provided further, That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, (22 U.S.C. 2778), if the President determines and notifies within 5 days prior to export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: Provided, That the limitation regarding nonlethal military equipment shall not apply to military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1505. Division E of Public Law 108-7, under the heading "Assistance for the Independent States of the Former Soviet Union", is amended in subsection (f) by: (1) striking "assistance for the Government" and inserting "assistance for the central Government"; and (2) striking "unless" and inserting "if"; and striking "not facilitated" and inserting "facilitated".

#### SEC. 1506. REPORTS ON UNITED STATES STRATEGY FOR RELIEF AND RECONSTRUCTION IN IRAQ.

(a) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken

as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days of enactment of this Act).

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(3) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

#### CHAPTER 6

#### DEPARTMENT OF HOMELAND SECURITY

##### DEPARTMENTAL MANAGEMENT

##### COUNTERTERRORISM FUND

For an additional amount for the "Counterterrorism Fund" for necessary expenses as determined by the Secretary of Homeland Security, \$150,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 1601 of this Act.

##### CITIZENSHIP AND IMMIGRATION SERVICES

##### OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, \$3,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### UNITED STATES SECRET SERVICE

##### OPERATING EXPENSES

For an additional amount for "Operating Expenses" for necessary expenses related to conducting Operation Liberty Shield, \$30,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### BORDER AND TRANSPORTATION SECURITY

##### CUSTOMS AND BORDER PROTECTION

For necessary expenses for "Customs and Border Protection" related to conducting Operation Liberty Shield and for other purposes, \$333,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### IMMIGRATION AND CUSTOMS ENFORCEMENT

For necessary expenses for "Immigration and Customs Enforcement" related to conducting Operation Liberty Shield and for other purposes, \$170,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for "Transportation Security Administration", \$665,000,000, to remain available until expended: Provided, That \$130,000,000 of this amount shall not be made available until September 30, 2003: Provided further, That of the total amount provided, the following amounts are made available solely for the purposes specified below:

(1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, \$235,000,000;

(2) port security grants, \$20,000,000; and

(3) passenger screener hiring, training and related costs, \$280,000,000, which shall not be obligated (a) until the President transmits an official budget request for such amount to the Congress and (b) until the Administrator of the Transportation Security Administration submits a fiscal year 2003 budget execution plan approved by the Office of Management and Budget detailing spending levels by budget line item, program, project and activity: Provided, That such plan shall fully fund all programs and activities specifically funded by Congress in Public Laws 107-206 and 108-7:

Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### OPERATING EXPENSES

For an additional amount for "Operating Expenses" related to conducting Operation Liberty Shield, \$2,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

##### OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for the "Office for Domestic Preparedness", \$2,230,000,000, to remain available until December 31, 2003, as authorized by Sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107-296) and Section 1014 of the USA PATRIOT Act of 2001 (Public Law 107-56), for grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, which shall be allocated as follows:

(1) \$1,300,000,000 for grants pursuant to Section 1014 of Public Law 107-56: Provided, That

the application for grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award;

(2) \$30,000,000 for technical assistance;

(3) \$200,000,000 for formula-based grants for critical infrastructure protection, subject to Section 1014(c)(3) of Public Law 107-56: Provided, That the application for these grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 50 percent of the total amount of the grant to local governments within 45 days of the grant award; and

(4) \$700,000,000 for discretionary grants for use in high-density urban areas, high-threat areas, and for protection of critical infrastructure, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be transferred by the State to local governments within 45 days of the receipt of funds: Provided further, That Section 1014(c)(3) of Public Law 107-56 shall not apply to these grants:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, to include personnel overtime as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under this heading.

#### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

For an additional amount for "Operating Expenses" for expenses related to conducting Operation Liberty Shield and for other purposes, \$228,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

#### EMERGENCY PREPAREDNESS AND RESPONSE

##### OPERATING EXPENSES

For necessary expenses for "Operating Expenses" related to conducting Operation Liberty Shield, \$45,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency Management Planning and Assistance", \$54,750,000, for grants for interoperable communications equipment: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1601. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies fund-

ed by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 1602. (a) The Under Secretary of Homeland Security for Border and Transportation Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SEC. 1603. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States Border Patrol agents and United States Border Patrol canines if such donations would further the mission of protecting our Nation's borders and ports of entry as determined by the Under Secretary for Border and Transportation Security.

#### CHAPTER 7

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Centers for Disease Control and Prevention, Disease Control, Research, and Training", \$16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

##### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund", for the Centers for Disease Control and Prevention, \$100,000,000, to remain available until expended.

For an additional amount for the "Public Health and Social Services Emergency Fund", \$42,000,000, to remain available until expended, for costs associated with compensating individ-

uals with injuries resulting from smallpox vaccinations and countermeasures: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

#### GENERAL PROVISION

##### REPATRIATION

SEC. 1701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking "1991" and inserting "2003".

#### CHAPTER 8

##### LEGISLATIVE BRANCH

##### HOUSE OF REPRESENTATIVES

##### SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, \$11,000,000, as follows:

##### COMMITTEE EMPLOYEES

##### STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, \$11,000,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

##### CAPITOL POLICE

##### GENERAL EXPENSES

For an additional amount for "General expenses", \$37,758,000, to remain available until expended.

##### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$111,000.

##### ARCHITECT OF THE CAPITOL

##### CAPITOL BUILDING

For an additional amount for "Capitol building", \$1,100,000.

##### CAPITOL POWER PLANT

For an additional amount for "Capitol power plant", \$22,679,000, which shall remain available until September 30, 2007.

##### CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for "Capitol police buildings and grounds", \$40,140,000, to remain available until September 30, 2007.

##### LIBRARY OF CONGRESS

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$5,500,000 to remain available until September 30, 2007.

##### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,863,000, to remain available until September 30, 2004.

##### GENERAL ACCOUNTING OFFICE

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$4,849,000.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 1801. POSTAL PATRON POSTCARDS. The matter under the subheading "MISCELLANEOUS ITEMS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7) is amended by striking "with a population of less than 250,000".

#### CHAPTER 9

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION

##### MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", \$48,100,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.



## MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", \$152,900,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", \$1,800,000.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 1901. (a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer not more than \$150,000,000 of the funds appropriated or otherwise made available to the Department of Defense in this Act to the contingency construction account, authorized under section 2804 of title 10, United States Code, for the purpose of carrying out military construction projects not otherwise authorized by law. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.

(b) CONDITIONS ON TRANSFER.—A transfer of funds under subsection (a) may not be made until the end of the seven-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) NOTICE OF OBLIGATIONS.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than fifteen days after the obligation of the funds for the project, specifying the estimated cost of the project and including form 1391.

(d) DEFINITIONS.—For purposes of this section, the terms "appropriate committees of Congress", "military construction", and "military installation" have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term "military installation" includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

SEC. 1902. (a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of funding the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

## CHAPTER 10

## DEPARTMENT OF TRANSPORTATION

## MARITIME ADMINISTRATION

## MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, \$25,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That none of the funds under this heading may be obligated or expended until the Department of Transportation Inspector General certifies to the House and Senate Committees on Appropriations that the recommendations of report CR-2003-031 have been implemented to his satisfaction.

## TITLE II—MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

## CHAPTER 1

## SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

## GENERAL PROVISIONS

SEC. 2101. (a) Section 756 in Division A of Public Law 108-7 is amended by striking "section 7404" and inserting in lieu thereof "sections 7404(a)(1) and 7404(c)(1)".

(b) Section 7404(e) of Public Law 107-171 is amended by striking "0.1 percent of the amount of appropriations available to the Agricultural Research Service" and inserting in lieu thereof "\$499,000 of the amount of appropriations available to the Department of Agriculture".

SEC. 2102. Section 210 of the Agricultural Assistance Act of 2003, "Assistance to Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses", is amended in subsection (a)—

(1) by inserting "all" before "losses";

(2) by inserting after "losses" the following: "to crops, livestock, and trees, and interest and loss of income, and related expenses";

(3) by striking "during calendar years 2002 and 2003"; and

(4) by deleting "August" and inserting in lieu thereof "July".

SEC. 2103. LIVESTOCK COMPENSATION PROGRAM. Section 203(a) of the Agricultural Assistance Act of 2003 (title II of Division N of Public Law 108-7) is amended by adding at the end the following:

"(3) GRANTS.—

"(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

"(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B)."

SEC. 2104. USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM. Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108-7) is repealed.

SEC. 2105. WILD SEAFOOD. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after section (b) the following:

"(c) WILD SEAFOOD.—

"(1) IN GENERAL.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

"(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

"(A) consult with—

"(i) the Secretary of Commerce;

"(ii) the National Organic Standards Board established under section 2119;

"(iii) producers, processors, and sellers; and

"(iv) other interested members of the public; and

"(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood."

SEC. 2106. TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS. (a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

"(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

"(A) shall be available for the provision of technical assistance for the conservation security program; and

"(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

## CHAPTER 2

## DEPARTMENT OF COMMERCE AND

## RELATED AGENCIES

## RELATED AGENCIES

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## EUROPEAN COMMUNITIES MUSIC LICENSING DISPUTE

For the payment to the European Communities with regard to the European Communities music licensing dispute, \$3,300,000.

## DEPARTMENT OF COMMERCE

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION  
For an additional amount for "Procurement, Acquisition and Construction" for satellite programs, \$65,000,000, to remain available until September 30, 2004: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense.

## RELATED AGENCIES

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SALARIES AND EXPENSES

For an additional amount for "Equal Employment Opportunity Commission, Salaries and Expenses", \$15,000,000.

## NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES SALARIES AND EXPENSES

For an additional amount for "National Commission on Terrorist Attacks Upon the United States, Salaries and Expenses", \$11,000,000, to remain available until September 30, 2004.

## GENERAL PROVISION, THIS CHAPTER

SEC. 2201. Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking "program authorized for the fishery in Sec. 211" and inserting "programs authorized for the fisheries in sections 211 and 212"; and

(2) by striking "program in section 211" and inserting "programs in sections 211 and 212".

#### CHAPTER 3

##### SUBCOMMITTEE ON DISTRICT OF COLUMBIA DISTRICT OF COLUMBIA FUNDS

##### OPERATING EXPENSES

##### DIVISION OF EXPENSES

##### GOVERNMENTAL DIRECTION AND SUPPORT

##### (INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$8,752,000 are rescinded (including \$8,655,000 from local funds and \$97,000 from other funds).

##### ECONOMIC DEVELOPMENT AND REGULATION

##### (INCLUDING RESCISSION)

For an additional amount for "Economic Development and Regulation", \$13,428,000 (including a rescission of \$1,282,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of \$14,710,000 from other funds).

##### PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public Safety and Justice", \$11,462,000 from local funds.

##### PUBLIC EDUCATION SYSTEM

##### (INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$11,435,000 are rescinded (including a rescission of \$13,546,000 from local funds and an additional amount of \$2,111,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—An increase of \$2,029,000 (including a rescission of \$29,000 from local funds and an additional amount of \$2,058,000 from other funds);

(2) STATE EDUCATION OFFICE.—A rescission of \$181,000 from local funds;

(3) PUBLIC CHARTER SCHOOLS.—Notwithstanding any other provision of law, a rescission of \$12,000,000 from local funds;

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—A rescission of \$1,040,000 from local funds;

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—A rescission of \$237,000 (including a rescission of \$290,000 from local funds and an additional amount of \$53,000 from other funds); and

(6) COMMISSION ON THE ARTS AND HUMANITIES.—A rescission of \$6,000 from local funds.

##### HUMAN SUPPORT SERVICES

##### (INCLUDING RESCISSION)

For an additional amount for "Human Support Services", \$30,258,000 (including an additional amount of \$34,292,000 from local funds and a rescission of \$4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003).

In addition, this heading in the District of Columbia Appropriations Act, 2003, is amended by striking the following proviso, "": Provided further, That \$37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund." and inserting the following proviso "": Provided further, That \$74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.".

##### PUBLIC WORKS

##### (INCLUDING RESCISSION)

For an additional amount for "Public Works", \$2,420,000 (including a rescission of \$8,998,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of \$11,418,000 from other funds): Provided, That \$512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

##### REPAYMENT OF LOANS AND INTEREST

##### (INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$2,466,000 are rescinded.

##### WILSON BUILDING

##### (INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$700,000 are rescinded.

##### WORKFORCE INVESTMENTS

##### (INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$2,000,000 are rescinded.

##### NON-DEPARTMENTAL AGENCY

##### (INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, \$5,799,000 are rescinded.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 2301. The District of Columbia is hereby authorized to transfer an amount not to exceed \$12,081,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's undesignated, unreserved fund balance to the local general fund to cover revenue shortfalls: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a(b)).

SEC. 2302. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104-8) shall remain in effect through September 30, 2004.

SEC. 2303. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title I of Division C, under the heading "Federal Payment to the Chief Financial Officer of the District of Columbia" the provision specifying \$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields shall be deemed to read as follows: "\$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields and to support the Fort Dupont's Kids on Ice program".

#### CHAPTER 4

##### SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

##### DEPARTMENT OF THE INTERIOR

##### UNITED STATES FISH AND WILDLIFE SERVICE

##### STATE AND TRIBAL WILDLIFE GRANTS

Division F of Public Law 108-7 is hereby amended under the heading "United States Fish and Wildlife Service, State and Tribal Wildlife Grants" by striking "\$3,000,000" and inserting "\$5,000,000".

##### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

Division F of Public Law 108-7 is hereby amended under the heading "National Park Service, Operation of the National Park System" by striking "\$1,565,565,000" and inserting "\$1,574,565,000".

##### BUREAU OF INDIAN AFFAIRS

##### CONSTRUCTION

Within thirty days of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107-63 for construction of the Qjibwa Indian School.

#### GENERAL PROVISION, THIS CHAPTER

SEC. 2401. Section 328 of Division F, Public Law 108-7 is amended by striking the phrase

"under the authority of Section 504 of the Revisions Act of 1995 (Public Law 104-19)" in the proviso.

#### CHAPTER 5

##### SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES

##### ADMINISTRATION

##### HEALTH RESOURCES AND SERVICES

The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Public Law 108-7 is amended—

(1) by striking "Heart Beat, New Bloomfield, PA," and inserting "Heart Beat, Millerstown, PA," in lieu thereof;

(2) by striking "Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties" in lieu thereof;

(3) by striking "Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services" and inserting "DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county" in lieu thereof;

(4) by striking "\$298,153,000" and inserting "\$296,638,000" in the first proviso; and

(5) by inserting after "a study regarding delivery of pediatric health care in northeastern Oklahoma," "\$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in Tarrant County, \$200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, \$1,000,000 is available for the Geisinger Health System, Harrisburg, PA to establish centers of excellence for the treatment of autism".

##### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The matter under the heading "Office of the Secretary, Public Health and Social Services Emergency Fund", in Public Law 108-7 is amended by striking ", to remain available until expended" after the "\$5,000,000".

#### GENERAL PROVISIONS

##### (TRANSFER AUTHORITY)

SEC. 2501. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; Division G) is amended by striking "or any other".

##### INTERNATIONAL HEALTH ACTIVITIES

SEC. 2502. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108-7; Division G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and

other applicable statutes administered by the Department of State.

#### DEPARTMENT OF EDUCATION SCHOOL IMPROVEMENT PROGRAMS

The matter under the heading "Department of Education, School Improvement Programs", in Public Law 108-7 is amended—

- (1) by striking "\$8,052,957,000" and inserting "\$8,053,507,000";
- (2) by striking "\$508,100,000" and inserting "\$537,100,000";
- (3) by striking "\$4,132,167,000" and inserting "\$4,233,167,000";
- (4) by striking "\$814,660,000" and inserting "\$815,210,000"; and
- (5) by striking "\$212,160,000" and inserting "\$212,710,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading "School Improvement Programs"—

(1) the provision specifying \$150,000 for Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: "Illinois State Board of Education, Springfield, Illinois, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, \$150,000";

(2) the provision specifying \$2,000,000 for Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title I schools shall be deemed to read as follows: "St. Petersburg College, St. Petersburg, Florida, for the Pinellas County EpiCenter, \$2,000,000";

(3) the provision specifying \$500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying \$200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: "Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, \$700,000";

(5) the provision specifying \$25,000 for the Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs shall be deemed to read as follows: "Boys and Girls Club, Southeast Unit, El Dorado, Arkansas, for drug prevention and after school programs, \$25,000";

(6) the provision specifying \$100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

(7) the provision specifying \$400,000 for the Milwaukee Public Schools, Wisconsin, to expand before- and after-school programs shall be deemed to read: "Milwaukee Public Schools, WI, for before- and after-school programs, \$400,000";

(8) the provision specifying \$200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: "Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, \$200,000";

(9) the provision specifying \$250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read:

"Community School District 8, Bronx, NY, for after-school programs, \$250,000";

(10) the provision specifying \$20,000 for Westside High School, Bakersfield, California, for equipment shall be deemed to read: "West High School, Bakersfield, California, for equipment, \$20,000";

(11) the provision specifying \$1,000,000 for the National Science Center Foundation, Atlanta, Georgia, for educational technology and other purposes shall be deemed to read: "National Science Center Foundation, Augusta, Georgia, for educational technology and other purposes, \$1,000,000";

(12) the provision specifying \$200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: "Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, \$200,000" and a provision shall be added that reads: "Beresford Community Education in Beresford, SD to expand community education programs, \$150,000";

(13) the provision specifying \$100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: "University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, \$100,000";

(14) the provision specifying \$25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for technology shall be deemed to read as follows: "Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for school counseling services, \$25,000";

(15) the provision specifying \$40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky for technology shall be deemed to read as follows: "Father Maloney's Boys Haven, Louisville, Kentucky for an educational program, \$40,000";

(16) the provision specifying \$50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: "Joel II Restoration Outreach, Inc. for education programs, \$50,000"; and

(17) the provision specifying \$1,500,000 for the City of Upland, California, for after school programs shall be deemed to read as follows: "YMCA of the City of Upland, California, for after-school activities, \$1,500,000".

#### HIGHER EDUCATION

The matter under the heading "Higher Education", in Public Law 108-7 is amended—

- (1) by striking "\$2,100,701,000" and inserting "\$2,100,151,000"; and,
- (2) by striking "\$140,599,000" and inserting "\$140,049,000".

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the second reference to the provision specifying \$1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying \$500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: "American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, \$100,000";

(3) the provision specifying \$100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part

of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: "Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, \$200,000";

(4) the provision specifying \$150,000 for Beresford Community Education in Beresford, SD to expand community education programs shall be deleted;

(5) the provision specifying \$100,000 for Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hill Educational Alliance shall be deleted;

(6) the provision specifying \$400,000 for the University of Southern Maine, Portland, Maine, for telecommunications and technology upgrades to support science, engineering and advanced technology programs shall be deleted and the provision specifying \$600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: "University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, \$1,000,000"; and

(7) the provision specifying \$250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: "National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, \$250,000".

#### GENERAL PROVISIONS

SEC. 2503. Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking "17" and inserting "19".

SEC. 2504. Section 7304(a)(2)(P) of the Elementary and Secondary Education Act of 1965 is amended by striking "such as" and inserting in lieu thereof "operated by".

#### RELATED AGENCIES

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The matter under the heading "Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses", in Public Law 108-7 is amended by inserting after "in this Act" the following: "for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973".

#### CHAPTER 6

##### SUBCOMMITTEE ON LEGISLATIVE BRANCH

##### ARCHITECT OF THE CAPITOL

SEC. 2601. (a) The third sentence of section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is amended by striking "not later than 90 days" and inserting "not later than 180 days".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 2602. Notwithstanding any other provision of law, the Architect of the Capitol may obligate and expend such amounts from the Capitol Preservation Fund established under section 803 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2083, formerly 40 U.S.C. 188a-2) as approved by the Capitol Preservation Commission established under section 801 of such Act (2 U.S.C. 2081, formerly 40 U.S.C. 188a) for the purposes of planning, engineering, design or construction of the Capitol Visitor Center.

#### LIBRARY OF CONGRESS

SEC. 2603. The Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is amended in the item relating to "Library of

Congress—Salaries and Expenses” by striking the period at the end and inserting the following: “: Provided further, That of the amount transferred under this heading to the educational consortium formed to conduct the ‘Joining Hands Across America: Local Community Initiative’, not more than \$500,000 may be used for a math and science education pilot project.”.

SEC. 2604. The Legislative Branch Appropriations Act, 2003 (Public Law 108-7, division H) is amended in the item relating to “Library of Congress—Salaries and Expenses” by striking “North Carolina” and inserting the following: “North Carolina, and for developing a high-capacity computer facility to serve that region”.

#### CHAPTER 7

##### SUBCOMMITTEE ON TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT

##### GENERAL PROVISIONS, THIS CHAPTER

SEC. 2701. Section 336 of Division I of Public Law 108-7 is amended by striking “Transportation Management” and inserting in lieu thereof “Urbanized”.

SEC. 2702. Section 321 of Division I of Public Law 108-7 is amended by—

- (1) inserting “or underneath” in subsection (q)(2) before “the Class B airspace”;
- (2) deleting “has sufficient capacity and” in subsection (q)(3) after “Title 49”; and
- (3) inserting “passenger” in subsection (q)(3) before “delays”.

SEC. 2703. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

SEC. 2704. It is the sense of the Senate that—

- (1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

- (2) although the acquisition was a positive action, the combination of the two airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

- (3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

- (4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SEC. 2705. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

- (1) Sections 2631 and 2631a of title 10, United States Code.

- (2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

- (3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

- (4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SEC. 2706. (a) Notwithstanding any other provision of law, projects and activities designated on pages 1267 through 1278 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108-7 shall be eligible for fiscal year 2003 funds made available from the program for which each project or activity is so designated and projects and activities on pages 1305 through 1307 shall be awarded those grants upon receipt of an application.

(b) Public Law 108-7 is amended in the first paragraph under the heading “Federal Highway Administration Limitation on Administrative Expenses” by striking “\$269,700,000” and inserting “\$299,745,000”.

SEC. 2707. Notwithstanding any other provision of law, funds made available under the heading “Federal Transit Administration Formula Grants” for fiscal year 2003 shall be available to finance the operating cost of equipment and facilities for use in public transportation in

an urbanized area with a population of at least 200,000 as determined under the 2000 Federal decennial census of population for a portion of the area that was not designated as an urbanized area as determined under the 1990 Federal decennial census of population if that portion of the area received assistance under section 5311 of title 49, United States Code.

SEC. 2708. Section 41743(c)(4) of title 49, United States Code, is amended by inserting before the period at the end the following: “in each year for which funds are appropriated for the program”.

SEC. 2709. Section 626 of title VI of division B of Public Law 108-7 is amended by striking “previously”.

SEC. 2710. None of the funds in this Act or any other Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States: Provided, That for purposes of implementing section 41106, an air carrier shall not be considered to be effectively controlled by citizens of the United States if the air carrier receives 50 percent or more of its operating revenue over the most recent three year period from a person not a citizen of the United States and such person, directly or indirectly, either owns a voting interest in the air carrier or is owned by an agency or instrumentality of a foreign state: Provided further, That this prohibition applies to transportation performed under any contract awarded or re-awarded after the date of enactment of this Act: Provided further, That when the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, such transportation, the Secretary of Defense may make a contract to provide the transportation with an air carrier not having a certificate: Provided further, That the Secretary of Transportation is directed to use an Administrative Law Judge in a formal proceeding to resolve docket number OST-2002-13089.

#### CHAPTER 8

##### SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

##### DEPARTMENT OF VETERANS AFFAIRS

##### DEPARTMENTAL ADMINISTRATION

##### GENERAL OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for costs associated with processing claims of veterans who may have incurred injuries with service in the Persian Gulf War combat arena, \$100,000,000, to remain available until expended: Provided, That the Secretary may transfer such sums as may be necessary to “Veterans Health Administration, Medical Care” to provide health care services as authorized by 38 U.S.C. 1710(e)(1)(D) subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary: Provided further, That the Secretary shall notify the Committees on Appropriations at least 15 days prior to the transfer or allocation of any funds provided under this paragraph.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT FUND

The referenced statement of managers under the heading “Community development fund” in title II of Public Law 108-7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking “Glendale, Montana” and inserting in lieu thereof “Glendive, Montana”.

The referenced statement of managers under the heading “Community development fund” in title II of Public Law 108-7 is amended by striking “\$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastruc-

ture improvements at the Serenity Village homeless programs” and inserting in lieu thereof “\$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh”.

The referenced statement of managers under the heading “Community development fund” in title II of Public Law 108-7 under grant No. 201 under the Economic Development Initiatives program is amended by striking “the Clearwater Economic Development Association in Clearwater, Idaho” and inserting in lieu thereof “the State of Idaho”.

The referenced statement of managers under the heading “Community development fund” in title II of Public Law 108-7 under grant No. 873 under the Economic Development Initiatives program is amended by striking “Grant County Commission in West Virginia” and inserting in lieu thereof “Grant County Library Commission in Grant County, West Virginia”.

##### INDEPENDENT AGENCIES

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

To liquidate obligations previously incurred by the Corporation for National and Community Service (“Corporation”), up to \$64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A-11 (2002): Provided further, That the second proviso under the heading “Corporation for National and Community Service” in Public Law 108-7 is deemed to be amended by inserting after “section 501(a)(4)” the following: “with not less than \$2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, without regard to the provisions of section 501(a)(4)(B) of the Act”.

##### ENVIRONMENTAL PROTECTION AGENCY

##### STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106-74 is deemed to be amended in reference to item number 135, as amended, by striking everything after “135.” and inserting, “\$437,000 for the Huntington Sanitary Board of Huntington, West Virginia for the construction of wastewater treatment facilities in the Fourpole Watershed; and \$513,000 for the Region I Planning and Development Council in Princeton, West Virginia for water and wastewater infrastructure improvements”: Provided, That the referenced statement of the managers under this heading in Public Law 107-73 is deemed to be amended by striking everything after “District” in reference to item number 222 and inserting, “for water infrastructure improvements”: Provided further, That the referenced statement of the managers under this heading in Public Law 108-7 is deemed to be amended by striking everything after the word “Agency” in reference to item number 72 and inserting, “for the Mojave Desert Arsenic Demonstration Project”.

##### ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each “maximum annual fee payable” pursuant to 7 U.S.C. 136a-1(i)(5)(D) and (E) in a manner such that maintenance fee collections made to reach the level authorized in division K of Public Law 108-7 shall be established in the same proportion as those maintenance fee collections authorized in Public Law 107-73.

NATIONAL SCIENCE FOUNDATION  
RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108-7 is amended by striking "\$320,000,000" and inserting in lieu thereof "\$330,000,000".

TITLE III—COLUMBIA ORBITER  
MEMORIAL ACT

**SEC. 301. SHORT TITLE.**

This title may be cited as the "Columbia Orbiter Memorial Act".

**SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.**

(a) **CONSTRUCTION REQUIRED.**—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107.

(b) **AVAILABILITY OF FUNDS.**—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107-248) under the heading "OPERATION AND MAINTENANCE, ARMY", \$500,000 shall be available for the construction of the memorial marker required by subsection (a).

**SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.**

(a) **AUTHORITY TO ACCEPT DONATIONS.**—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS-107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) **TRANSFER.**—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) **EXPIRATION OF AUTHORITY.**—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

TITLE IV—AVIATION-RELATED  
ASSISTANCE

DEPARTMENT OF HOMELAND SECURITY  
TRANSPORTATION SECURITY ADMINISTRATION

For expenses and revenue forgone related to aviation security, \$2,395,750,000, to remain available until September 30, 2003: Provided, That the first \$100,000,000 of such amounts shall be available, notwithstanding any other provision of this Act, until expended to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act: Provided further, That the remaining \$2,295,750,000 of such amounts shall be remitted to United States flag air carriers in the proportional share each such carrier has paid or collected as of the date of enactment of this Act in passenger security and air carrier security fees to the Transportation Security Administration: Provided further, That payments made under the preceding proviso may be used by an air car-

rier for such purposes as the carrier determines appropriate: Provided further, That payments made under this heading shall be distributed as a lump sum payment and made not later than 30 days after the date of enactment of this Act: Provided further, That the Transportation Security Administration, not later than 30 days after the last disbursement of funds made pursuant to the second proviso under this heading, shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House Committee on Transportation and Infrastructure: Provided further, That the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning June 1, 2003, and ending September 30, 2003: Provided further, That (1) notwithstanding any other provision of law, the Secretary of Homeland Security may not provide assistance to an air carrier pursuant to the second proviso under this heading unless that air carrier executes a contract with the Secretary under which the air carrier agrees that—

(A) the air carrier will not provide total cash compensation during the 12-month period beginning April 1, 2003, to an executive officer in an amount equal to more than the annual salary paid to that officer with respect to the air carrier's fiscal year 2002; and

(B) if the air carrier violates the agreement under subparagraph (A), the air carrier will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Homeland Security, equal to the total amount of assistance received by the air carrier pursuant to the second proviso under this heading.

(2) For the purpose of applying paragraph (1) of this proviso to an executive officer—

(A) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act—

(i) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(ii) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during the air carrier's fiscal year 2002; and

(iii) that executive officer shall be deemed to have been employed during that fiscal year; and

(B) whose employment begins after the date of enactment of this Act—

(i) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

(ii) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(iii) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(3) The Secretary shall not apply any of the conditions of this proviso for receiving assistance pursuant to the second proviso under this heading to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any air carrier that does not operate trans-Pacific or trans-Atlantic flights.

(4)(A) The Comptroller General, or any of the Comptroller General's duly authorized rep-

resentatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of air carriers entering into an agreement under this proviso that relate to the information required to implement the provisions of this proviso.

(B) The Comptroller General shall transmit a report of any investigation conducted under this proviso to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by this report.

(5) In this proviso, the following definitions apply:

(A) The term "executive officer" means the two most highly compensated named executive officers (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Securities and Exchange Commission under the Securities and Exchange Act of 1934 (17 CFR 229.402(a)(3))).

(B) The term "salary" means the base salary of an individual, excluding any bonuses, awards of stock, or other financial benefits provided by an air carrier to the individual.

(C) The term "total cash compensation" has the meaning given the term "total compensation" by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include awards of stock or stock options or preexisting contracts governing retirement.

(6) Nothing in this proviso shall be construed to prohibit or limit an air carrier in providing health benefits, life insurance benefits, or reimbursement of reasonable expenses to an executive officer.

GENERAL PROVISIONS—THIS TITLE

**SEC. 4001.** (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2003," each place it appears and inserting "2004,".

(b) Section 44303(b) of such title is amended by striking "2003," and inserting "2004,".

(c) Section 44310 of such title is amended by striking "2003," and inserting "2004,".

**SEC. 4002. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE AND RELATED WORKERS.**

(a) **DEFINITIONS.**—For purposes of this section—

(1) the term "eligible individual" means an individual whose eligibility for temporary extended unemployment compensation under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), is or would be based on the exhaustion of regular compensation under State law, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term "qualifying employment", with respect to an eligible individual, means employment—

(A) with an air carrier, employment at a facility at an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term "air carrier" means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term "upstream producer" means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term "supplier" means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term "Secretary" means the Secretary of Labor; and

(7) the term "terrorist action or security measure" means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

(b) **ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR ELIGIBLE INDIVIDUAL.**—In the case of an eligible individual, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), shall be applied as if it had been amended in accordance with subsection (c).

(c) **MODIFICATIONS.**—

(1) **IN GENERAL.**—For purposes of subsection (b), the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107-147; 116 Stat. 21), as amended by Public Law 108-1 (117 Stat. 3), shall be treated as if it had been amended as provided in this subsection.

(2) **PROGRAM EXTENSION.**—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108-1 (117 Stat. 3), to be amended to read as follows:

**"SEC. 208. APPLICABILITY.**

**"(a) IN GENERAL.**—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

**"(1)** beginning after the date on which such agreement is entered into; and

**"(2)** ending before December 29, 2003.

**"(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.**—

**"(1) IN GENERAL.**—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

**"(2) NO AUGMENTATION AFTER DECEMBER 28, 2003.**—If the account of an individual is exhausted after December 28, 2003, then section 203(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

**"(3) LIMITATION.**—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004."

(3) **ADDITIONAL WEEKS OF BENEFITS.**—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108-1 (117 Stat. 3), to be amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A), by striking "50" and inserting "150"; and

(ii) by striking "13" and inserting "39"; and

(B) in subsection (c)(1), by inserting "4/5 of" after "equal to".

(4) **EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN PARAGRAPH (3).**—

(A) **IN GENERAL.**—The amendments described in paragraph (3)—

(i) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(ii) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment of this Act, subject to subparagraph (B).

(B) **SPECIAL RULES.**—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this section) shall be applied subject to the following:

(i) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as "TEUC-X amounts") before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as "TEUC amounts"), as deemed to have been amended by paragraph (3)(A).

(ii) For purposes of determining whether the individual is eligible for any TEUC-X amounts under such Act, as deemed to be amended by this subsection—

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) shall be disregarded; and

(II) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by paragraph (3)(B), as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this subsection, and including any amounts described in clause (i)) are in fact exhausted.

**TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY**

**SEC. 501. ESTABLISHMENT OF PANEL.**

(a) **ESTABLISHMENT.**—There is established a panel to review sexual misconduct allegations at the United States Air Force Academy.

(b) **COMPOSITION.**—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims (to include their medical and legal rights and needs), as well as the United States military academies.

(c) **CHAIRMAN.**—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) **MEETINGS.**—The panel shall meet at the call of the Chairman.

(f) **INITIAL ORGANIZATION REQUIREMENTS.**—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 8, 2003.

**SEC. 502. DUTIES OF PANEL.**

(a) **IN GENERAL.**—The panel established under section 501(a) shall carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) **REVIEW.**—In carrying out the study required by subsection (a), the panel shall—

(1) review the actions taken by United States Air Force Academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy;

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study; and

(6) review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General.

(c) **REPORT.**—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection 502(a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

**SEC. 503. PERSONNEL MATTERS.**

(a) **PAY OF MEMBERS.**—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) **TRAVEL EXPENSES.**—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

**TITLE VI—GENERAL PROVISIONS—THIS ACT**

**SEC. 6001.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the "Emergency Wartime Supplemental Appropriations Act, 2003".

And the Senate agree to the same.

BILL YOUNG,  
RALPH REGULA,  
JERRY LEWIS,  
HAL ROGERS,  
FRANK WOLF,  
JIM KOLBE,  
JAMES T. WALSH,  
CHARLES H. TAYLOR,  
DAVID L. HOBSON,  
ERNEST J. ISTOOK, Jr.,  
HENRY BONILLA,  
JOE KNOLLENBERG,  
JACK KINGSTON,  
RODNEY P.

FRELINGHUYSEN,  
DAVID OBEY,  
JOHN P. MURTHA,  
NORMAN DICKS,  
MARTIN OLAV SABO,  
ALAN B. MOLLOHAN,  
MARCY KAPTUR,  
PETER J. VISCLOSKEY,  
NITA M. LOWEY,  
JOSE E. SERRANO,  
JAMES P. MORAN,  
CHET EDWARDS,

Managers on the Part of the House.

TED STEVENS,  
THAD COCHRAN,  
ARLEN SPECTER,  
PETE V. DOMENICI,  
CHRISTOPHER S. BOND,  
MITCH MCCONNELL,  
CONRAD BURNS,



RICHARD SHELBY,  
JUDD GREGG,  
ROBERT F. BENNETT,  
BEN NIGHTHORSE  
CAMPBELL,  
LARRY CRAIG,  
KAY BAILEY HUTCHISON,  
MIKE DEWINE,  
SAM BROWNBACK,  
ROBERT C. BYRD,  
DANIEL K. INOUE,  
PATRICK J. LEAHY,  
TOM HARKIN,  
BARBARA A. MIKULSKI,  
HARRY REID,  
HERB KOHL  
(except for P.L. 480),  
PATTY MURRAY,  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
DICK DURBIN,  
TIM JOHNSON,  
MARY L. LANDRIEU,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1559 (H. Rept. 108-55) and included by the Senate in the report accompanying S. 762 (S. Rept. 108-33) should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

#### TITLE I—WAR-RELATED APPROPRIATIONS

##### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### AGRICULTURE RESEARCH SERVICE

##### BUILDINGS AND FACILITIES

The conference agreement includes \$110,000,000 for continued modernization of facilities in Ames, Iowa, which will provide a laboratory building, fixed equipment, and associated infrastructure as a complete and usable phase of construction.

#### PUBLIC LAW 480 TITLE II GRANTS (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$369,000,000 for Public Law 480 title II grants. Within this amount, the conferees provide \$69,000,000 to the Bill Emerson Humanitarian Trust. In addition, the conferees recommend language to prohibit the exchange of an eligible commodity for another commodity of equal value. It is the intention of the conferees that no restriction is imposed on the purchase of any authorized commodity for replenishment of the Bill Emerson Humanitarian Trust.

The conference agreement for Public Law 480 title II grants will allow the restoration of funds to on-going food aid programs which were redirected as a result of prioritizing food aid funds to respond to the conflict in Iraq. The conferees expect that these funds will be utilized for previously approved title II food aid programs in such countries as Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru, and Ethiopia.

#### CHAPTER 2 DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES

The conference agreement includes \$5,000,000 for the Office of Intelligence Policy and Professional Responsibility as proposed in the House bill for increased operational support for the Federal Bureau of Investigation (FBI), primarily through the application of warrants under the Foreign Intelligence Surveillance Act. Of the amount provided, \$2,000,000 is for additional personnel costs, and \$3,000,000 is for information technology enhancements. The Senate did not provide funding for this program.

The conferees adopt by reference House language regarding submission of a proposal on enhanced oversight of the FBI.

#### COUNTERTERRORISM FUND

The conference agreement includes \$70,274,000 for the Counterterrorism Fund, instead of \$100,274,000 as proposed in the House bill, to cover extraordinary costs associated with a terrorist threat or incident. This amount includes \$20,000,000 in new direct appropriations, and \$50,274,000 in unobligated balances currently available in the Fund. The Senate did not fund this program.

The Counterterrorism Fund was established in 1995 after the bombing of the Alfred P. Murrah Building in Oklahoma City, and is under control and direction of the Attorney General. These funds may be used to reimburse any Department of Justice organization for the costs incurred from the reestablishment of an office or facility damaged or destroyed as a result of a domestic or international terrorist incident, and to cover extraordinary expenses necessary to counter, investigate, or prosecute domestic or international terrorism activities. The conferees include language requiring the Attorney General to notify the Committees on Appropriations in accordance with section 605 of Division B of Public Law 107-7 prior to obligation of funds from this account.

#### DETENTION TRUSTEE

The conference agreement provides \$40,000,000 for the detention of prisoners in the custody of the U.S. Marshals Service, instead of \$45,000,000 as proposed by the Senate and \$15,000,000 as proposed by the House.

#### OFFICE OF INSPECTOR GENERAL

The conference agreement includes \$2,500,000 as proposed in the House bill for the Office of Inspector General to provide additional oversight to expanded Department authorities and activities, including oversight related to the implementation of the USA PATRIOT Act. The Senate did not provide funding for this program.

#### LEGAL ACTIVITIES

#### SALARIES AND EXPENSES, UNITED STATES MARSHAL SERVICE

The conference agreement provides \$8,000,000 for the Marshals Service, instead of \$26,080,000 as proposed by the House and no funding as proposed by the Senate. The recommendation includes \$5,800,000 to be allocated to those districts with the highest priority needs for the protection of the judicial process and \$2,200,000 to upgrade the Marshals Service secure communications capability.

#### FEDERAL BUREAU OF INVESTIGATION SALARIES AND EXPENSES

To respond to immediate or emerging terrorism-related prevention and response requirements in the United States, the conference agreement includes a total of \$367,192,000 for the FBI instead of \$398,862,000 proposed in the House bill and \$63,000,000 proposed in the Senate bill. Prior to obligating

any of these funds, the conferees direct the Attorney General to notify the Committees on Appropriations in accordance with section 605 of Division B of Public Law 108-7.

#### OFFICE OF JUSTICE PROGRAMS

#### COMMUNITY ORIENTED POLICING SERVICES

The conference agreement provides \$54,750,000 for the Office of Community Oriented Policing Services, Interoperable Communications Technology Program, instead of \$109,500,000 as proposed by the Senate and no funding as proposed by the House. funding should be used to improve State and local law enforcement cross-jurisdictional communication and information sharing.

#### THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement provides \$1,535,000 for the Supreme Court of the United States for police enhancements as proposed in the House bill. The Senate proposed no funding for this account.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

The conference agreement provides \$973,000 for the United States Court of Appeals for the Federal Circuit for court security officers as proposed in the House bill. The Senate proposed no funding for this account.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

The conference agreement provides \$50,000 for the United States Court of International Trade for a security system upgrade as proposed by the House. The Senate proposed no funding for this account.

#### DEPARTMENT OF STATE AND RELATED AGENCY

#### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes \$88,420,000 for costs related to evacuations, emergency response, increased security, and re-establishing a mission in Iraq. The conference agreement includes \$32,000,000 for requirements related to the provision of consular services; \$35,801,000 for costs associated with the re-establishment of a diplomatic mission in Iraq; \$15,619,000 for medical and vaccination services; and \$5,000,000 for public diplomacy surge activities in Iraq and throughout the Middle East. The amount provided for re-establishing a diplomatic mission in Iraq includes \$17,862,000 for post operations and \$17,939,000 for diplomatic security.

In addition, the conference agreement includes \$10,000,000 for increased security measures at United States diplomatic missions worldwide.

The conferees expect the Department to intensify public diplomacy activities in the Middle East, including the establishment of an Information Center in the Gulf region. The conferees further expect the Department to aggressively develop new public diplomacy approaches and initiatives. In this regard, the conferees expect the Department to establish an advisory group on public diplomacy for the Arab and Muslim world as described in the House report.

The conference agreement includes language requiring the Department to conduct bimonthly reviews of Machine Readable Visa fee revenue to monitor and better predict possible shortfall. The conferees direct the Department, immediately upon identifying such a shortfall, to reprogram funds as necessary to maintain the fiscal year 2003 Border Security Program, as described in the

Statement of Managers accompanying Public Law 108-7.

EMBASSY SECURITY, CONSTRUCTION, AND  
MAINTENANCE

The conference agreement includes \$149,500,000 under this account, including \$61,500,000 for the costs of establishing an interim diplomatic facility in Iraq. This funding will allow the Department to acquire, secure, and renovate facilities, as necessary, to provide functional temporary facilities in Iraq. The conferees direct the Department to report to the Committees on Appropriations regarding the special security considerations and procedures associated with the hiring of Iraqi nationals to work in United States diplomatic facilities. The conferees expect the Department to submit to the Committee on Appropriations, as soon as possible, a plan for a permanent facility in Iraq. The proposed plan should adhere to right-sizing principles and rigorous security standards. The conferees expect this construction project will adhere to any cost-sharing arrangement that might be implemented.

The conference agreement includes \$10,000,000 for costs of security-related enhancements to non-official facilities worldwide including non-military American schools, as described in the Senate report.

The conference agreement also includes \$78,000,000 for facilities acquisition and security improvements in Rome, Italy.

EMERGENCIES IN THE DIPLOMATIC AND  
CONSULAR SERVICE

The conference agreement includes \$50,000,000 under this heading for costs associated with evacuating United States Gov-

ernment employees, their families, and private American citizens, and assisting American citizens overseas, as necessary, as a result of the conflict in Iraq. The conference agreement also includes language allowing funds under this account to be transferred to, and merged with, the Diplomatic and Consular Programs account only for the purpose of maintaining funding levels for the fiscal year 2003 Border Security Program as described under that heading.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$30,500,000 to expand broadcasting efforts to the Middle East, as described in the House report.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends \$62,378,100,000 for the Department of Defense, as proposed by the Senate, instead of \$62,409,500,000 as proposed by the House.

Within this amount, the conferees recommend a total of \$46,699,200,000 for appropriation to specific accounts and provisions, instead of \$36,973,100,000 as proposed by the House and \$51,359,100,000 as proposed by the Senate. In addition, the conferees rec-

ommend \$15,678,900,000 for a new appropriation, the "Iraq Freedom Fund". This transfer account, available to the Secretary of Defense, has been expressly provided to maximize the Department of Defense's flexibility to address future requirements associated with the military operations in and around Iraq and the global war on terrorism. The conferees have also recommended additional transfer authorities for the Department of Defense.

The conference agreement also includes a new appropriations account requested by the President, the "National Resources Risk Remediation Fund", to pay for emergency fire fighting, repair damage to oil facilities and related infrastructure, and preserve a distribution capability in and around Iraq. This account has been structured to allow the use of foreign contributions, as well as a limited amount of appropriated funds, if required.

The conferees have also, consistent with existing authorities, agreed to address fiscal year 2003 funding requirements requested by the President relating to reimbursements to nations providing support to U.S. military operations; the drawdown of defense funds, articles and supplies; and special emergency expense authority for the Secretary of Defense and the combatant commanders. The conference agreement also includes funding for Department of Defense counter-terrorism military training for foreign nations, as well as funds to support ongoing Department of Defense counter-terrorism efforts in support of the government of Colombia.

The following table provides details of the supplemental appropriations in this chapter.

[Dollars in thousands]

	Budget request	House	Senate	Conference
<b>Transfer Funds:</b>				
Defense Emergency Response Fund .....	59,863,200		11,019,000	
Operation Iraqi Freedom Response Fund .....		59,682,500		
Combat, Stability Operations and Force Reconstitution Costs .....		[25,436,400]		
Iraq Freedom Fund .....				15,678,900
<b>Military Personnel:</b>				
Military Personnel, Army .....		[6,974,500]	7,724,500	7,700,000
Military Personnel, Navy .....		[1,984,300]	1,784,300	1,600,000
Military Personnel, Marine Corps .....		[1,204,900]	1,254,900	1,200,000
Military Personnel, Air Force .....		[1,834,800]	2,834,800	2,800,000
Reserve Personnel, Army .....		[3,000]	6,000	3,000
National Guard Personnel, Army .....		[93,000]	110,000	100,000
Total Military Personnel .....			13,714,500	13,403,000
[Total, Military Personnel transfers] .....		[12,094,500]		
<b>Operation and Maintenance:</b>				
O&M, Army .....		[10,481,500]	16,142,500	16,000,000
O&M, Navy .....		[3,904,300]	5,296,600	5,100,000
O&M, Marine Corps .....		[1,383,700]	1,752,700	1,650,000
O&M, Air Force .....		[3,668,200]	7,209,200	7,100,000
O&M, Defense-Wide .....	1,400,000	1,400,000	4,007,700	1,200,000
[O&M, Defense-Wide transfer] .....		[901,900]		<sup>1</sup> [1,400,000]
O&M, Army Reserve .....				3,000
O&M, Navy Reserve .....			15,000	7,000
O&M, Marine Corps Reserve .....			50,000	20,000
O&M, Army National Guard .....		[58,400]	88,400	75,000
O&M, Air National Guard .....			20,000	20,000
Natural Resources Risk Remediation Fund .....	489,300	<sup>1</sup> [489,300]	489,300	<sup>1</sup> [489,300]
Total, O&M .....	1,889,300	1,400,000	35,071,400	31,175,000
[Total, O&M transfers] .....		[20,434,000]		
<b>Procurement:</b>				
Aircraft Procurement, Army .....		[4,100]	4,100	4,100
Missile Procurement, Army .....		[3,100]	3,100	3,100
Procurement of W&TCV, Army .....		[53,300]	53,300	53,300
Procurement of Ammunition, Army .....		[447,500]	447,500	447,500
Other Procurement, Army .....		[241,800]	241,800	241,800
Other Procurement, Air Force .....		[113,600]	113,600	113,600
Procurement, Defense-Wide .....		[451,000]	451,000	451,000
Total, Procurement .....			1,314,400	1,314,400
[Total, Procurement transfers] .....		[1,314,400]		
<b>Research, Development, Test and Evaluation:</b>				
RDTE&E, Army .....		[11,500]	11,500	11,500
RDTE&E, Defense-Wide .....		[90,000]		70,000
Total, RDTE&E .....			11,500	81,500
[Total, RDTE&E transfers] .....		[101,500]		
Revolving and Management Funds: Defense Working Capital Funds .....	430,000	1,100,000	550,000	<sup>2</sup> [1,100,000]
<b>Other Department of Defense Programs:</b>				
Defense Health Program .....		[301,700]	501,700	501,700
Drug Interdiction and Counter-Drug Activities, Defense .....	34,000	34,000	34,000	34,000
Total, Other DoD Programs .....	34,000	34,000	535,700	535,700
[Total, Other DoD Programs transfers] .....		[301,700]		
<b>General Provisions:</b>				
Sec. 1307 Reimburse O&M Accounts for Drawdowns [Afghan Freedom Support Act] .....	165,000	165,000	165,000	165,000
Defense Cooperation Account .....	28,000	28,000		28,000
Sec. 1317 RDTE&E, Navy Rescissions .....			-3,400	-3,400
Total, General Provisions .....	193,000	193,000	161,600	189,600

(Dollars in thousands)

	Budget request	House	Senate	Conference
Grand Total, Chapter 3 [Grand Total, Transfers]	62,409,500	2,727,000 [59,682,500]	62,378,100	62,378,100

Note.—Brackets in the House column indicate transfers from Operation Iraqi Freedom Response Fund.

<sup>1</sup> Dollars are not included in the total. Indicates the maximum amount that may be received from transfer fund.

<sup>2</sup> Dollars are not included in the total. Indicates the minimum amount that must be received from transfer fund.

#### FISCAL YEAR 2003 APPROPRIATIONS REPORTING REQUIREMENT

The conferees recommend supplemental funds based on the best financial estimates available at the time the President's request was submitted. In providing funds, the conferees held public hearings and had extensive briefings by senior Department of Defense officials and representatives of the military departments. The conferees have endeavored to achieve a workable balance between congressional oversight, providing the Department with financial flexibility to meet the unknowns of ongoing combat operations, and responding promptly to the Department's urgent financial requirements.

The conferees understand that ongoing, dynamic combat operations generate an equally dynamic situation for the Department. As operations are carried out, financial planning assumptions are replaced with actual data. Over time, even the best fiscal projections become real costs and financial obligations.

As fiscal year 2003 progresses, the conferees expect that Department of Defense and the military departments will be able to provide actual fiscal execution information, and better, more refined projections of expected costs.

Accordingly, the conferees direct the Secretary of Defense to submit to the congressional defense committees, no later than July 1, 2003, a comprehensive financial analysis and update for fiscal year 2003. This report will detail both actual and projected obligations of appropriations provided in this Act, the Department of Defense Appropriations Act, 2003 (P.L. 107-248), and the Consolidated Appropriations Resolution, 2003 (P.L. 108-7).

#### CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

#### MILITARY PERSONNEL

The conference agreement recommends \$13,403,000,000 for the military personnel accounts, instead of \$12,094,500,00 as proposed by the House (by transfer from the "Operation Iraqi Freedom Response Fund") and \$13,714,500,000 as proposed by the Senate. The conferees' recommendation will fund the known incremental costs of pays and allowances for active duty and Reserve personnel through the end of the fiscal year. The conferees recommend including section 1316, as proposed by the Senate, which increases Imminent Danger Pay and Family Separation Allowance.

#### OPERATION AND MAINTENANCE

The conference agreement recommends \$31,175,000,000 for the Operation and Maintenance accounts, instead of \$21,834,000,000 (\$1,400,000,000 by direct appropriation in "Operation and Maintenance, Defense-Wide", and \$20,434,000,000 by transfer from the "Operation Iraqi Freedom Response Fund") as proposed by the House, and \$35,071,400,000 as proposed by the Senate.

#### DEFENSE EMERGENCY RESPONSE FUND

The President requested \$59,863,200,000 for the "Defense Emergency Response Fund". The House proposed no appropriation. The Senate recommended \$11,019,000,000 for this fund. The conferees recommend no appro-

priation for the "Defense Emergency Response Fund".

#### OPERATION IRAQI FREEDOM RESPONSE FUND

The House recommended \$59,682,500,000 in the "Operation Iraqi Freedom Response Fund" of which \$34,246,100,000 was for transfer to service appropriation accounts, and \$25,436,400,000 was for transfer to a new "Combat, Stability Operations and Force Reconstitution Costs" account. The Senate provided no appropriation for either account. The conference agreement recommends no appropriation in the "Operation Iraqi Freedom Response Fund".

#### IRAQ FREEDOM FUND

The conference agreement recommends an appropriation of \$15,678,900,000 for a new appropriation called the "Iraq Freedom Fund". These funds will be available to the Secretary of Defense for transfer. In exercising their oversight role in the use of these funds, the conferees provide language requiring five day prior notification to the congressional defense committees, in writing, of the details of any transfer of funds, as well as quarterly reports.

The conference agreement creates a framework within which these funds are expressly provided to maximize flexibility for the President and the Department of Defense. The conferees provide the authority for the Department of Defense to transfer not less than \$1,771,180,000 for classified programs; not less than \$1,100,000,000 for increased fuel costs; up to \$1,400,000,000 for payments to key cooperating nations; up to \$489,300,000 for the "Natural Resources Risk Remediation Fund"; up to \$400,000,000 for the United States Coast Guard; up to \$57,600,000 for research, development, test, and evaluation; and up to \$25,000,000 for counter-terrorism training activities.

The conferees direct the Department of Defense give priority in using the "Iraq Freedom Fund" to ensure that military personnel accounts and the Defense Health Program are adequately supported.

#### PAYMENTS TO REIMBURSE KEY COOPERATING NATIONS

The conference agreement includes language under the "Iraq Freedom Fund" and in section 1310 of the general provisions that provides up to \$1,400,000,000 in authority to make payments to reimburse Pakistan, Jordan, and other key cooperating nations for certain expenses. The conference agreement limits funds available for such reimbursements to those provided in this chapter. The conference agreement includes language similar to the House bill on notification and reporting requirements.

#### NATURAL RESOURCES RISK REMEDIATION FUND

The conference agreement includes language creating a new account called "Natural Resources Risk Remediation Fund" (NRRRF). Funds may be transferred to, appropriated to, and contributions made to the NRRRF in order to cover expenses incurred in and around Iraq for emergency fire fighting, repairing damage to oil facilities and related infrastructure, and preservation of a distribution capability. Up to \$489,300,000 of the funds appropriated to the "Iraq Freedom Fund" in this Act may be transferred to this fund.

In addition, the Secretary of Defense is authorized to accept contributions for the fund.

The conferees also recommend that amounts available in the "Defense Cooperation Account" may be transferred to and merged with this fund, and that the Secretary of Defense may transfer funds available in the NRRRF to other appropriations. The Secretary of Defense may transfer funds appropriated to the "Iraq Freedom Fund" only to the extent that amounts transferred from the "Defense Cooperation Account" and other contributions are not available. To the extent that it becomes necessary to transfer funds from appropriations made in this chapter, and contributions become available later in the fiscal year, the conferees intend that these contributions shall be used to reimburse the "Iraq Freedom Fund".

#### COUNTER-TERRORISM TRAINING

The conference agreement includes language that provides up to \$25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism 15 days following submission of a financial plan to the congressional defense committees.

#### PROCUREMENT

The conferees have reviewed possible allocations of funding requested by the President and believe that there are sufficient funds in the "Iraq Freedom Fund" for procurement of items to meet anticipated requirements for weapons, and equipment such as munitions, unmanned aerial vehicles, communications equipment, and other items required for military operations in Iraq, Afghanistan, and the global war on terrorism. The conferees note that in addition to equipment lost in Operation Iraqi Freedom, the Department has also sustained losses in Afghanistan, as well as losses due to mishaps. Among these losses are high-demand, low-density items such as Special Operations MH-47 helicopters and Marine Corps CH-46 helicopters. The conferees believe that the Department of Defense should consider replacing or seeking safety improvements to these assets as well as those described in the President's request.

Within the total recommended by the conferees, funds are also available to restock munitions, including precision munitions, expended in combat or in training. Precision-guided weapons may include Laser Guided Bombs, Wind Corrected Munitions Dispenser (WCMD), Joint Standoff Weapon (JSOW), Affordable Weapon System, Javelin, Tube-launched Optically-tracked Wire-guided (TOW) Anti-tank Missile, Laser and Longbow Hellfire, Army Tactical Missile System (ATACMS), Multiple Launch Rocket System (MLRS) Rockets, and Stinger. In some cases, this is not intended to be a one-for-one replacement of expended munitions and precision-guided weapons, but should instead be used to acquire upgraded versions of these munitions, such as Tactical Tomahawk and Patriot missiles. The conferees agree to the reporting requirements concerning precision-guided munitions, as proposed by the House.

#### APPROPRIATE USE OF FUNDS FOR ACQUISITION

The conferees agree with the House direction regarding the appropriate use of funds for acquisition with the following changes:

(1) Items or capabilities that can be fielded in less than 18 months (from the date of obligation) require no additional notification.

(2) Items or capabilities requiring greater than 18 months (from the date of obligation) to operationally field require submission of a prior approval reprogramming.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

The conference agreement recommends \$501,700,000 for Defense Health Program operation and maintenance costs. From within this amount, the conferees direct that the Department of Defense give priority to the direct care system and military medical treatment facilities.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides \$34,000,000, as requested by the President, to fund increased operational tempo in Colombia's unified campaign against narcotics trafficking and terrorist activities. The conferees also agree to the reporting requirement concerning the obligation of these funds proposed by the House.

#### GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain section 1301, as proposed by the House, which directs that amounts in the bill shall be available for the same time period and subject to the same terms and conditions as in Public Law 107-248 and Public Law 108-7.

The conferees agree to retain and amend section 1302, as proposed by the Senate, which prohibits the financing of activities specifically denied by Congress or the initiation of a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees. The conferees direct the Department of Defense to submit a prior approval reprogramming in any instance in which it seeks to use funds in this Act for any program denied in previous fiscal year 2003 Appropriations Acts as delineated in either the Act or the Statement of the Managers accompanying those Acts.

The conferees agree to retain section 1303, as proposed by the House, which prohibits the use of funds provided for programs that require greater than four years to operationally field.

The conferees agree to retain and amend section 1304, as proposed by the House and the Senate, which provides additional funds for the CINC Initiative Fund.

The conferees agree to retain and amend section 1305, as proposed by the House and the Senate, which amends the limitation on the amount of "Operation and Maintenance, Defense-Wide" funds that may be used for emergency and extraordinary expenses.

The conferees agree to retain and amend section 1306, as proposed by the House and the Senate, which amends section 8005 of Public Law 107-248 and Public Law 108-7, addressing transfer authority.

The conferees agree to retain and amend section 1307, as proposed by the House and the Senate, which appropriates \$165,000,000 to reimburse appropriations accounts for the value of drawdown support provided by the Department of Defense under the Afghan Freedom Support Act. The conference agreement includes House language that requires prior written notification of the source of funds in any future drawdown. The conferees note that the net remaining drawdown authority under the Afghan Freedom Support Act of \$135,000,000.

The conferees agree to retain section 1308, as proposed by the Senate, which provides that funds appropriated in this Act are deemed specifically authorized for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414). The House included similar language.

The conferees agree to retain and amend section 1309, as proposed by the House and the Senate, which allows for the use of \$63,500,000 of the amounts available to the Department of Defense to reimburse appropriations accounts for the value of support provided under the Iraq Liberation Act of 1998. Senate language is also included that provides for specific transfer authority in addition to other transfer authorities available to the Department of Defense. The conference report amends House language that provides that the aggregate value of drawdown authority in fiscal year 2003 may not exceed \$86,500,000. The Department of Defense is required to provide the congressional defense committees written notification not later than seven days following the use of the drawdown authority under the Iraq Liberation Act of the sources of the funds to be used for such purpose. The conferees note that the net remaining drawdown authority available in fiscal years 2003 and 2004 under the Iraq Liberation Act of 1998 is \$120,000,000.

The conference agreement includes a new provision, section 1310, similar to language in the House bill and the Senate amendment that provides guidance and restrictions on the use of up to \$1,400,000,000 for the reimbursement of key cooperating nations, as discussed elsewhere in this Statement.

The conferees agree to include a new provision, section 1311, regarding additional transfer authority for funds provided in this chapter. While the conferees believe that the allocation of funding recommended in this bill will closely reflect the needs of the military services, they also recognize that the unpredictable nature of conflict could require some reallocation of funds. As such, the conference agreement provides the Secretary of Defense with an additional \$2,000,000,000 in transfer authority for the funds provided in this chapter. The conferees direct that the use of this transfer authority should be in accordance with the restrictions in section 8005 of the fiscal year 2003 Department of Defense Appropriations Act (PL 107-248). Furthermore, the conferees direct that the Defense Department shall comply with accepted reprogramming practices to include the submission of DD Form 1415 prior approval reprogramming requests in using this expanded authority.

The conferees agree to retain section 1312, as proposed by the Senate, and deletes language as proposed by the House which provides for notification 15 days after obligation of military construction funds in excess of \$7,500,000.

The conferees agree to amend section 1313, as proposed by the House, which transfers all balances of funds remaining in the "Defense Emergency Response Fund" on October 31, 2003 to the "Iraq Freedom Fund".

The conferees agree to delete language, as proposed by the Senate, that would have allowed for the use of unobligated Cooperative Threat Reduction funds outside the states of the former Soviet Union. The House bill did not address this matter.

The conferees agree to amend and retain section 1314, which amends three sections as proposed by the Senate, making certain technical adjustments regarding funds in the fiscal year 2003 Department of Defense Appropriations Act (P.L. 107-248).

Conferees agree to retain section 1315, as proposed by the Senate, which makes a technical correction to the National Defense Authorization Act of 2003 with respect to certain multi-year services contracts.

The conferees agree to retain section 1316, as proposed by the Senate, which increases the monthly allowance for Imminent Danger Pay and Family Separation Allowance for fiscal year 2003.

The conferees agree to delete language, as proposed by the Senate, which provided

\$7,500,000 for the Armed Forces Institution of Pathology (AFIP) and halted any decrease in the number of personnel, but expect the Department of Defense to provide sufficient funds and personnel to meet the mission of AFIP through the end of this fiscal year.

The conferees agree to retain section 1317, as proposed by the Senate, which rescinds \$3,400,000 of the Public Law 107-248 "Research, Development, Test and Evaluation, Navy" appropriation, for Treatment of Radiation Sickness Research.

The conferees agree to retain and amend section 1318, as proposed by the Senate, which provides certain authorities to cover travel and transportation benefit for family members of military personnel injured during Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom.

The conferees agree to retain section 1319, as proposed by the Senate, which provides certain authorities for the procurement of civilian attire for medically evacuated military personnel.

The conferees agree to retain section 1319, as proposed by the Senate, which provides certain authorities for the procurement of civilian attire for medically evacuated military personnel.

The conferees agree to delete section 607 of title VI in the Senate pass bill.

#### CHAPTER 4

#### DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### OPERATION AND MAINTENANCE, GENERAL

The conference agreement provides \$39,000,000 to support increased security measures at Corps of Engineers owned and operated infrastructure facilities instead of \$29,000,000 as proposed by the Senate.

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

The conference agreement provides \$25,000,000 to support increased security measures at Bureau of Reclamation owned and operated infrastructure facilities as proposed by the Senate. The conferees expect that the funds provided in this act will be used primarily for facility hardening activities, additional vulnerability assessments, and guards and law enforcement.

#### DEPARTMENT OF ENERGY

##### ENERGY PROGRAMS

##### SCIENCE

The conference agreement provides an additional \$11,000,000 for the Office of Science to enhance safeguards and security at its laboratories, to meet the requirements of a revised design basis threat, to fund the costs of maintaining those facilities at an elevated security condition in fiscal year 2003, and for other purposes.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY

##### ADMINISTRATION

##### WEAPONS ACTIVITIES

The conference agreement includes \$67,000,000 for the National Nuclear Security Administration (NNSA) to meet increased safeguards and security needs throughout the nuclear weapons complex. The funding provided includes \$20,000,000 for the activities of the Secure Transportation Asset and \$47,000,000 to meet increased safeguards and security needs throughout the nuclear weapons complex.

#### DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides \$148,000,000 for Defense Nuclear Nonproliferation activities by the National Nuclear Security Administration. This funding includes:

\$84,000,000 under the International Nuclear Materials Protection and Cooperation program to develop and deploy radiation detectors at mega seaports, in coordination with the Department of Homeland Security, Bureau of Customs and Border Protection; \$17,000,000 to expand efforts under the International Nuclear Materials Protection and Cooperation program to secure radioactive materials that may be used to construct a radioactive dispersal device (RDD), and to develop standards for the cleanup of contamination resulting from a potential RDD event; \$15,000,000 under Nonproliferation and International Security Assistance to expand nonproliferation assistance to countries other than the former Soviet Union; \$15,000,000 under Nonproliferation and Verification R&D for nuclear nonproliferation programs, including \$2,500,000 for the Caucasus Seismic Network; \$5,000,000 under Nonproliferation and International Security for international export controls; \$5,000,000 under International Nuclear Materials Protection and Cooperation to support activities in Iraq; \$5,000,000 under Nonproliferation and Verification R&D for materials and devices to detect nuclear materials; and \$2,000,000 under Nonproliferation and International Security to conduct vulnerability assessments for spent nuclear fuel casks.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference recommendation provides \$6,000,000 for the Office of Environmental Management to meet safeguards and security requirements at its defense cleanup and waste disposal sites.

##### OTHER DEFENSE ACTIVITIES

The conference recommendation provides \$4,000,000 under Other Defense Activities, including \$1,000,000 for additional security testing by the Office of Independent Oversight and Performance Assessment, and \$3,000,000 to meet increased intelligence and counterintelligence mission requirements.

#### CHAPTER 5

##### BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND HEALTH PROGRAMS FUNDS

The conference agreement appropriates \$90,000,000 as proposed by the Senate instead of \$40,000,000 as proposed by the House. The recommended level is provided to reimburse the account for funds previously borrowed and provided to preposition personnel and commodities to address humanitarian needs anticipated prior to the commencement of the conflict with Iraq. The conferees include language that provides that funds are made available until September 30, 2004.

##### INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates \$143,800,000, to remain available until expended, instead of \$160,000,000 as proposed by the House and \$112,500,000 as proposed by the Senate. These funds include \$112,500,000 to reimburse the account for funds used to preposition personnel, supplies and commodities required to rapidly commence implementation of humanitarian assistance in Iraq.

The conference agreement includes language requested by the President that would allow additional "borrowing" from other foreign assistance accounts within this Act. In the event that additional "borrowing" is contemplated, the conferees expect to be consulted by USAID simultaneously with the initiation of any discussions with the Office of Management and Budget.

##### UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

The President requested \$150,000,000 for a new United States Emergency Fund for Complex Foreign Crises. The Senate provided the President's request; the House did not. The conferees believe that this request should be considered within the context of the fiscal year 2004 appropriations and authorization processes and therefore do not provide funds for this initiative in fiscal year 2003. The conference agreement distributes amounts requested for this account to similar existing accounts and the new Iraq Relief and Reconstruction Fund (Iraq Fund).

##### OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement appropriates \$24,500,000 for Operating Expenses of United States Agency for International Development instead of \$23,000,000 as proposed by the House and \$23,600,000 as proposed by the Senate. These funds are to be used to implement programs recommended elsewhere in this chapter and for security costs in Afghanistan and Pakistan. The conferees intend for \$1,000,000 to be provided to reimburse the USAID Bureau for Asia and the Near East for costs incurred in connection with the evacuation of its mission in Jakarta, Indonesia, for which no request was received.

Not less than \$3,500,000 from this account may be transferred and merged with "Operating Expenses of the United States Agency for International Development Office of Inspector General" to support financial and program audits of the Iraq Relief and Reconstruction Fund. The conferees expect the Inspector General of USAID to monitor, in particular, the contracts and awards that utilize the Iraq Fund, and to report promptly to the Committees any credible information he may receive regarding impediments to rapid program implementation or irregularities in contracting. In making awards to contractors engaged in the reconstruction of Iraq, the conferees request the Administrator of the U.S. Agency for International Development to actively seek to include significant participation by small, minority, and disadvantaged American-owned business enterprises.

##### OTHER BILATERAL ECONOMIC ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### IRAQ RELIEF AND RECONSTRUCTION FUND

##### (INCLUDING TRANSFERS OF FUNDS)

The conference agreement appropriates to the President \$2,475,000,000 for a new Iraq Relief and Reconstruction Fund, to remain available until September 30, 2004, instead of \$2,483,300,000 as proposed by the House and \$2,468,300,000 as proposed by the Senate.

The conferees note that this appropriation, some of which is requested to meet immediate relief requirements, is likely to be a down payment on a much larger United States contribution toward the longer-term reconstruction of Iraq.

As requested by the President, the Iraq Relief and Reconstruction Fund (the Iraq Fund) will be used for such programs as (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as the result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture.

The conferees expect that initial obligations from the Iraq Fund will focus on the first six priorities listed above, especially

water/sanitation infrastructure. The conferees expect the Office of Foreign Disaster Assistance in cooperation with the Office of Reconstruction and Humanitarian Assistance to initially focus on provision of clean water, food, electricity and other forms of direct relief to vulnerable communities. As regions of Iraq are declared to be secure by the United States Central Command, economic stabilization technical assistance of the Department of the Treasury and longer-term reconstruction activities the United States Agency for International Development would be mobilized within Iraq.

The conference agreement designates the Iraq Fund as bilateral economic assistance under the authorities of the Foreign Assistance Act of 1961, as amended. The funds are appropriated to the President who customarily has apportioned them to the Department of State and the United States Agency for International Development. Because of the special circumstances in Iraq, the conferees also provide for direct apportionment from the Fund, as necessary, to the Departments of Treasury, Defense, and Health and Human Services for activities such as Treasury technical assistance, Army Corps of Engineers, civil affairs team grants, and for deployment of personnel of the Centers for Disease Control.

The conferees request that the relevant officials of the Departments of the Treasury, Defense, and Health and Human Services promptly consult with the Subcommittee on Foreign Operations, Export Financing, and Related Programs regarding modalities for provisions of financial data regarding Iraq activities under this account, including memoranda of understanding with the USAID Inspector General and notification documentation. The conference agreement also provides that obligations from the Iraq Fund are subject to notification to the Committees on Appropriations 5 days in advance of the obligation of such funds. The conferees intend such notifications to be treated by the Administration as having the same force and effect as notifications provided to the Committees on Appropriations in accordance with the Committees' regular notification procedures.

In addition, transfers to agencies other than the Department of State and USAID under section 632 of the Foreign Assistance Act and under the general provisions of this chapter are made subject to notification procedures of the Committees on Appropriations.

The conference agreement includes language directing that the Iraq Fund shall be used to fully and promptly reimburse accounts administered by the Departments of State and the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs. In particular, \$150,000,000 "borrowed" for purchase of food under the authority of section 507 of the fiscal year 2003 Foreign Operations, Export Financing and Related Programs Appropriations Act from the Development Assistance account and the Economic Support Fund should be reimbursed without delay. The conferees expect rapid reimbursement of an additional \$50,000,000 that was "borrowed" from the Development Assistance account for Iraq assistance under the provisions of section 492(b) of the Foreign Assistance Act.

The conference agreement provides that funds made available for rehabilitation and reconstruction in Iraq should include assistance to families of innocent Iraqi civilians who suffer losses as a result of the military

operations. The managers intend that USAID and the Department of State, in coordination with the Department of Defense and nongovernmental organizations, will seek to identify families of non-combatant Iraqis who were killed or injured or whose homes were damaged during recent military operations, and to provide appropriate assistance.

The conference agreement also includes a general provision requiring two reports from the President: (1) within 30 days of enactment on this Act on the proposed Iraq Fund management structure and (2) within 45 days on strategies for reconstruction and the establishment of an independent civil government in Iraq, coordination with other governments and international organizations, burden-sharing, and estimated costs.

Beginning not later than 90 days following enactment of this Act and every 90 days thereafter until September 2004, the conference agreement requires the President to submit periodic reports on significant ongoing and proposed United States-funded reconstruction activities in Iraq and the extent of financial pledges and actual contributions for assistance in Iraq by foreign governments and international organizations.

#### ECONOMIC SUPPORT FUND

The conference agreement appropriates \$2,422,000,000 instead of \$2,342,000,000 as proposed by the House and \$2,357,900,000 as proposed by the Senate.

The conference agreement includes not less than \$700,000,000 for Jordan, as proposed by both the Senate and the House.

The conference agreement includes \$300,000,000, to remain available until September 30, 2005, only for grants to Egypt, which may be used to guarantee loans of not to exceed \$2,000,000,000 as proposed by both the House and Senate. The conference agreement: (1) provides that all fees associated with Egypt's loan guarantees shall be paid by the Government of Egypt to the Government of the United States; (2) allows funds in this Act and prior appropriated funds for Egypt to be used for the cost of loan guarantees; (3) provides that the President should take into consideration budgetary and economic reforms undertaken by Egypt; and (4) provides that loan guarantees are backed by the full faith and credit of the United States.

The conference agreement includes permissive language that allows the President to provide not to exceed \$1,000,000,000 for Turkey similar to the Senate bill and the same as the House bill. These funds remain available until September 30, 2005 and may be used to provide or guarantee loans up to \$8,500,000,000. The conferees agree to the Senate provision that any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for the Iraq Relief and Reconstruction Fund.

The conference agreement provides that none of the funds for Turkey in this Act under the Economic Support Fund may be made available for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House that the Government of Turkey is not cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed forces into northern Iraq.

The conference agreement also: (1) allows funds in this Act and prior appropriated funds for Turkey to be used by the Government of Turkey to pay the United States for all fees associated with loans and loan guarantees; (2) provides that the President should

take into consideration budgetary and economic reforms undertaken by Turkey; and (3) specifies that loan guarantees are backed by the full faith and credit of the United States.

The conference agreement includes not less than \$30,000,000 for assistance for the Philippines to further the prospects for peace in Mindanao. The Senate Bill included \$50,000,000 for this purpose and the House bill did not address this issue. The conferees endorse the Senate report language related to this assistance.

The conference agreement includes \$167,000,000 for Afghanistan to continue efforts to support security and economic growth in that nation, of which up to \$100,000,000 is provided to accelerate the completion of the major Kabul = Kandahar road; \$10,000,000 is provided, as necessary, for grants by provincial reconstruction teams; and \$57,000,000 is provided for implementation of the Bonn electoral process and operational support for the Afghanistan Government.

The conferees note the continued importance of ensuring that women are active participants in all facets of the reconstruction process in Afghanistan, particularly as the Afghan people assume greater responsibility for Afghan development. The conferees support efforts by women-led, Afghan nongovernmental organizations to expand their capacity to manage critical programs and services. The conferees also urge that United States funds be used to bolster the role of women in the Bonn electoral process.

The conference agreement includes \$10,000,000 for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice. This proviso is similar to language included in the Senate bill as section 505. The House bill did not address this issue. The conferees request that not later than 120 days after enactment of this Act the Secretary of State report to the Committees on Appropriations on plans for the prosecution of these individuals.

The conference agreement also includes \$40,000,000 to reimburse the Economic Support Fund account for resources advanced to fund supplies, commodities and services prior to the conflict in Iraq.

As all fiscal year 2003 funds that were transferred from this account to accommodate pre-positioning of Iraq relief and reconstruction are being fully reimbursed and restored by this Act, the conferees expect the Department of State to revise its current 653(a) country allocation report, consistent with the intent of Congress in Division E of Public Law 108-7 and House Report 108-10, with regard to the Special Court for Sierra Leone, the Muslim Exchange Program, and technical assistance to implement the Kimberley Process Certification Scheme.

#### LOAN GUARANTEES TO ISRAEL

The conference agreement includes \$9,000,000,000 in loan guarantees for Israel during the period beginning March 1, 2003 and ending September 30, 2005 as included in both the House and Senate bills. Of this assistance, \$3,000,000,000 may be issued in fiscal year 2003 or thereafter, and \$3,000,000,000 may be issued subsequent to September 30, 2004. The conference agreement provides that these guarantees shall be backed by the full faith and credit of the United States. The agreement restricts these resources to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967 and that guarantees may be reduced for any activities that the President of the United

States determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program, as was proposed by the House and Senate bills. The conference agreement provides that the President shall take into consideration budgetary and economic reforms undertaken by Israel. The conferees expect the State Department to provide to the appropriate Committees of Congress any letters of understanding reached between the government of the United States and Israel on economic reform measures and settlement related activities that pertain to the issuance of these loan guarantees.

As was previously the case with the 1992 loan guarantees, all associated fees are to be paid by the Government of Israel to the United States Government, and the conference agreement includes language, not in the House or Senate bills, clarifying that the interest rate for loans guaranteed may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this financing.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates \$25,000,000 as proposed by the House and the Senate. These funds would remain available for obligation until September 30, 2004, as proposed by the House and the Senate.

##### ANDEAN COUNTERDRUG INITIATIVE

The conference agreement appropriates \$34,000,000 as proposed by the House and the Senate. The conference agreement provides that funds shall remain available for obligation until September 30, 2004 as proposed by the House and by the Senate.

The conferees are concerned with reports of rising numbers of impoverished Colombians who are displaced from their homes as a result of armed conflict. Therefore, the conference agreement provides that not less than \$5,000,000 should be made available for assistance to these people, and encourages USAID and the State Department's Bureau of Population, Refugees and Migration to support organizations such as the League of Displaced Women in Bolivar, which work to protect the rights and needs of displaced women and children.

##### UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates \$80,000,000 as proposed by the House instead of \$75,000,000 as proposed by the Senate. The President has drawn down \$40,000,000 to date from ERMA for Iraq-related costs. Including the President's request for ERMA replenishment, the ERMA balance is considerably lower than recent historical levels. Therefore the conferees recommend an additional \$40,000,000 for ERMA to meet unforeseen emergency needs.

##### NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The conference agreement appropriates \$28,000,000 as proposed by the House and the Senate for Nonproliferation, Anti-Terrorism, Demining and Related Programs.

##### MILITARY ASSISTANCE

##### FUNDS APPROPRIATED TO THE PRESIDENT

##### FOREIGN MILITARY FINANCING PROGRAM

The conference agreement recommends \$2,059,100,000 for Foreign Military Financing Program as provided by the House and Senate.

The conference agreement includes not less than \$1,000,000,000 for grants only for Israel, requires these funds to be disbursed



within 30 days of enactment of this Act, and specifies \$263,000,000 of this allocation shall be available for acquisition of defense services and articles in Israel. The conference agreement also provides not less than \$406,000,000 for Jordan.

The conference agreement assumes the following allocations as supported in the House and Senate reports; \$170,000,000 for Afghanistan to train, equip and support the Afghan National Army; \$175,000,000 to provide Pakistan with improved border security and counter-terrorism capabilities, and \$30,000,000 for counter-terrorism assistance to the Philippines.

The conferees agree to Senate language that provides up to \$20,000,000 may be transferred to and merged with the Andean Counterdrug Initiative account for aircraft, training and other assistance for the Colombian Armed Forces.

The conferees have included language requiring regular notification procedures of the Committees on Appropriations in advance of commitment of funds and clarifying the basis for such notifications. The Senate bill included language that required notification in advance of obligation of funds and the House did not address the issue.

The conferees expect that notifications to the Committees of deviation from the notification report in terms of the amount, and significant deviation in terms of the kind of assistance being provided, will be transmitted to the Committee five days in advance of commitment.

#### PEACEKEEPING OPERATIONS

The conference agreement appropriates \$100,000,000 for Peacekeeping Operations instead of \$115,000,000 as provided by the House and \$150,000,000 as recommended by the Senate. The conferees include language that provides that the funds are available until September 30, 2004. The conferees note that the supplemental budget request provided little detail in support of the \$200,000,000 request. The conferees note that section 1501 provides not to exceed \$100,000,000 in transfer authority should peacekeeping activities occur in excess of the amounts provided in this agreement.

#### GENERAL PROVISIONS—THIS CHAPTER

Under section 1501, the conference report includes language similar to section 501 of the Senate amendment that allows transfers among certain international assistance programs in this chapter in an amount not to exceed \$100,000,000. The section requires consultation and a five-day notification. The Senate amendment included an amount not to exceed \$200,000,000 and the House bill did not address this matter.

Under section 1502 of the general provisions, language is included similar to that in the House bill and Senate amendment that would extend the authority to provide assistance for Iraq notwithstanding any other provision of law. The conference agreement provides that funds made available for assistance for Iraq under this chapter are subject to section 553 of Public Law 108-7. However, the conferees recognize that the uniquely insecure conditions in Iraq may necessitate some modification of normal vetting procedures under section 553 until the security conditions improve.

Use of the notwithstanding provision in section 1502 is subject to a five day notification in advance of obligation. Similar to the House provision, the section allows a waiver of notification in the case of substantial risk to human health or welfare.

The conference agreement, under section 1503, includes a provision similar to the House bill that would make inapplicable the Iraq Sanctions Act of 1990 and authorize the President to make inapplicable with respect

to Iraq section 620A and section 307 of the Foreign Assistance Act with respect to Iraq. The conference agreement includes a provision similar to that proposed by the House and Senate stating that nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992, but the conferees allow for an exception as it applies to humanitarian assistance and supplies. The purpose of this proviso is to clarify that the suspension of the Iraq Sanctions Act is not intended to affect the continued applicability of that Act to Iran pursuant to section 1603 of the Iran-Iraq Arms Non-Proliferation Act of 1992. The exception in the proviso for humanitarian assistance and supplies will permit, notwithstanding section 1603, the issuance of export licenses for Iran that support the provision of humanitarian assistance and supplies to Iraq. The conference agreement provides that military equipment as defined by Title XVI, section 1608(1)(A) of Public Law 102-484 shall not be exported. The conference agreement requires that the exercise of authorities of section 1503 are subject to notification, and the conferees require a periodic report containing a summary of all licenses approved for export to Iraq if the item is on the Commerce Control List contained in the Export Administration Regulations, including the identification of end users of such items. The conferees do not intend for the authorities contained in this section to be permanent, and the section will expire on September 30, 2004 unless a prior Iraq authorization bill has been enacted that amends, repeals or makes the section inapplicable.

Under section 1504, the conference agreement provides for the export to Iraq of any nonlethal military equipment notwithstanding any other provision of law. The conference agreement provides an exception to the non-lethal military equipment limitation for equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force. The conferees intend that such exports be limited to small arms and ammunition.

The section provides the President with the flexibility to authorize exports to Iraq upon determining that they are in the national interest of the United States. The conferees do not intend for the authority contained in this section to be permanent, and the section will expire on September 30, 2004 unless a prior authorization bill has been enacted that amends, repeals or makes the section inapplicable.

The conference agreement does not include section 505 of the Senate amendment. This provision is addressed under the Economic Support Fund. The House did not address this matter.

The conference agreement does not include section 506 of the Senate amendment that expressed the Sense of the Senate regarding the awarding of contracts and grants for relief and reconstruction in Iraq from funds in this chapter. The House addressed this matter in section 3002 of Title III.

The conference agreement does not include section 507 of the Senate amendment that expressed the Sense of the Senate that reconstruction of Iraq should be funded from Iraqi oil revenues. The House did not address this matter.

Under section 1505 the conference agreement amends current law restrictions on fiscal year 2003 funding for Ukraine to limit assistance to the central Government of Ukraine if the Secretary of State reports that the Government of Ukraine has facilitated arms sales or arms transfers to Iraq. The Senate proposed a waiver of current law, and the House did not address this matter.

Under section 1506 the conference agreement requires reports related to United

States and other activities in Iraq and associated costs.

#### CHAPTER 6

##### HOMELAND SECURITY APPROPRIATIONS, 2003 SUPPLEMENTAL

The conference agreement on the Homeland Security chapter of the Emergency Wartime Supplemental Appropriations Act, 2003, incorporates some of the language and allocations set forth in House Report 108-55 and some of the language and allocations set forth in Senate Report 108-33. The language in House Report 108-55 and Senate Report 108-33 should be complied with unless specifically addressed in the accompanying statement of managers.

Throughout the accompanying explanatory statement, the managers refer to the Committee and Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Homeland Security and the Senate Subcommittee on Homeland Security.

#### DEPARTMENT OF HOMELAND SECURITY

##### DEPARTMENTAL MANAGEMENT

##### COUNTERTERRORISM FUND

The conferees agree to provide \$150,000,000 for the Counterterrorism Fund, instead of \$1,135,000,000 as proposed by the Senate. The Counterterrorism Fund exists to reimburse any Department of Homeland Security organization for the unanticipated costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. In addition, the funds are subject to the reprogramming requirements set forth in Section 1601 of this chapter.

##### CITIZENSHIP AND IMMIGRATION SERVICES

##### OPERATING EXPENSES

The conferees agree to provide \$3,000,000 for additional expenses related to Operation Liberty Shield, instead of \$1,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

##### UNITED STATES SECRET SERVICE

##### OPERATING EXPENSES

The conferees agree to provide \$30,000,000 for additional expenses related to Operation Liberty Shield, as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

##### BORDER AND TRANSPORTATION SECURITY

##### CUSTOMS AND BORDER PROTECTION

The conferees agree to provide \$333,000,000 for additional expenses related to Operation Liberty Shield and for other homeland security purposes, instead of \$428,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. This amount includes \$35,000,000 to support the Container Security Initiative and \$25,000,000 to fully fund the transfer of 285 Border Patrol Agents to the Northern Border.

In addition, the conferees include \$60,000,000 for the cost of additional inspectors and associated positions on the Northern Border and at maritime ports of entry, and \$90,000,000 for portal radiation detection and monitoring technology and non-intrusive inspection technology. In addition to the requirement for a 15-day prior notification, the conferees direct that none of these funds may be obligated (1) for additional personnel until the Commissioner of the Bureau

of Customs and Border Protection submits to the Committees on Appropriations a detailed budget execution plan for hiring and deploying the additional personnel, including timeframe and locations; or (2) for new detection, monitoring and inspection technology until the Commissioner submits to the Committees a revised technology investment plan that includes the impact of this additional funding on agency performance, as well as proposed deployment schedules and locations.

#### COMMERCIAL VEHICLE SCREENING AT KEY BRIDGES

The conferees are concerned about the vulnerability of bridge ports of entry on the U.S.-Canada border to vehicle traffic that might contain radioactive material and direct the Bureau of Customs and Border Protection to implement its current plan to install a portal radiation monitor in May of 2003 at the Blue Water Bridge port of entry at Port Huron, Michigan. The conferees also direct that inspectors at the port of entry be fully trained in the detection of radioactive materials in cargo and equipped, as appropriate, with both personal radiation detectors and isotope identifiers. Because commercial motor vehicles carrying municipal solid waste may be used intentionally or accidentally to transport radioactive or other hazardous material, the conferees direct the Bureau to screen and inspect such vehicles as necessary to enforce federal law and, as appropriate, State law governing such traffic. The Bureau should give particular attention to traffic using the Ambassador Bridge port of entry in Detroit, Michigan, and the Blue Water Bridge port of entry in Port Huron, Michigan. The Bureau of Customs and Border Protection shall also reevaluate whether municipal solid waste should continue to be classified as a "low risk commodity" under the Border Release Advanced Screening and Selectivity (BRASS) System.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT

The conferees agree to provide \$170,000,000 for additional expenses related to Operation Liberty Shield and related homeland security missions, instead of \$185,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. This amount includes \$15,000,000 for additional special agents, intelligence analysts, and air and marine enforcement personnel at the Northern Border and maritime ports of entry. However, none of these funds may be obligated until the Assistant Secretary for Immigration and Customs Enforcement submits to the Committees on Appropriations a detailed budget execution plan for hiring and deploying the additional personnel, including timeframe and locations.

#### ENTRY EXIT SYSTEM

The Department has not formally submitted a budget execution plan for the use of the \$380,000,000 appropriated for the Entry Exit project as provided by Public Law 108-7. However, in order to avoid significant delays, the conferees approve the Department's use of up to \$5,000,000 of these funds to support contract work on critical prerequisite elements to include privacy impacts, system security, cost-benefit analysis, statement of work, and systems requirements specifications. The conferees direct that no additional obligations shall be made until an expenditure plan has been approved by the Department and by the Office of Management and Budget, reviewed by the General Accounting Office (GAO), and approved by the Committee on Appropriations. Such plan must meet the requirements specified in Public Law 108-7, with the exception that

availability of these funds for obligation and expenditure shall be governed by reprogramming guidelines set forth in Section 1601 of this Act. The conferees expect that the expenditure plan will contain sufficient detail and documentation to explain planned capabilities and benefits, timeframes for delivery, costs, and progress in meeting prior expenditure plan targets. The plan should also describe the management actions being taken to assure that the Entry Exit system will meet established goals for system capability, benefits, schedule, and cost. The conferees also direct that the Bureau and Department, in their quarterly briefings to the Committee, include information on any changes in previously submitted expenditure plans and documentation.

As the Entry Exit project is now the responsibility of the Department of Homeland Security, the conferees direct the Department to develop a close cooperative working relationship with GAO. In order for GAO to support the Committees in their oversight of this important and expensive project, the Department should allow access to working documents and consultation and Departmental, Directorate, Bureau and project staff on a routine, confidential and professional basis prior to submission of spending plans to the Committees. The Department should establish the same relationship with GAO on Entry Exit as has been established with the Automated Commercial Environment (ACE) project. The Committees on Appropriations will take no action on funding requests until GAO has completed its review of proposed plans and shares its evaluation with the Committees. If GAO has been permitted to develop sufficient understanding of the overall management of the Entry Exit program, and is provided adequate information of a plan before its submission, the review should be completed within 30 days. If GAO is afforded insufficient advance information, the time will be as long as reasonably required for GAO to conduct its review to assess compliance of the plan with established requirements.

#### TRANSPORTATION SECURITY ADMINISTRATION

The conferees agree to provide \$665,000,000 for the Transportation Security Administration (TSA) instead of \$390,000,000 as proposed by the House. Funds shall remain available until expended but may not be obligated until 15 days after notification of the Committees on Appropriations. The Act includes funding for critically needed transportation security requirements as follows:

Physical modifications of commercial service airports to install checked baggage explosive detection machines .....	\$235,000,000
Port security grants .....	20,000,000
Passenger screener hiring, training, and related costs .....	280,000,000

No funding has been provided in this Act to hire additional staff, particularly aviation screeners, or to otherwise supplement previously appropriated funding for TSA staffing requirements.

#### FISCAL YEAR 2003 FUNDING REQUIREMENTS

By May 1, 2003, the conferees direct the Administrator of the Transportation Security Administration to submit a budget execution plan, approved by the Office of Management and Budget, detailing spending levels, by budget line item, program, project, and activity. The conferees expect the budget line items included in this plan to be the same line items informally submitted by TSA to the Committees on Appropriations in July of 2002 and modified in December of 2002. In developing this budget execution plan, TSA

should detail the following: (1) fiscal year 2003 obligations by budget line item as of March 31, 2003, (2) TSA's fiscal year 2003 yearly obligation estimates by budget line item, (3) how the yearly estimates by budget line item were derived, and (4) a detailed explanation of why and how these costs have changed since the July and December 2003 budget documents. The conferees expect all programs and activities specifically funded by Congress either in bill or report language in Public Laws 107-206 and 108-7 to be fully funded in this plan. For those items that TSA believes should be reprogrammed, a detailed explanation of why this reprogramming should occur must accompany the plan. TSA shall follow the reprogramming guidelines contained in this Act.

#### PORT SECURITY GRANTS

The conferees are aware of approximately \$1,000,000,000 in port security requirements in the first year and \$4,400,000,000 over 10 years, as estimated by the Coast Guard. To date, \$368,000,000 has been appropriated to these efforts and an additional \$20,000,000 is provided in this Act. However, TSA has only issued port security grants totaling \$93,000,000. The conferees direct TSA to issue grants for the remainder of these previous appropriations no later than 60 days after enactment of this Act.

#### TRUCKING INDUSTRY GRANTS

Of the funds provided under Public Law 108-7 for trucking industry grants, the conferees direct that \$20,000,000 (as adjusted by section 601 of Division N of Public Law 108-7) be used to fund nation-wide trucking security and safety initiative utilizing the existing joint industry-government Highway Watch program.

#### OPERATION SAFE COMMERCE

Of the funds provided under Public Law 108-7 for Maritime and Land Security, the conferees direct that \$30,000,000 (as adjusted by section 601 of Division N of Public Law 108-7) be used for Operation Safe Commerce.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### OPERATING EXPENSES

The conferees agree to provide \$2,000,000 for additional expenses of the Federal Law Enforcement Training Center as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

#### OFFICE FOR DOMESTIC PREPAREDNESS

The conferees agree to provide \$2,230,000,000 for the Office for Domestic Preparedness (ODP) instead of \$2,200,000,000 as proposed by the House and the Senate. The conferees agree that none of these funds may be used for construction activities and further agree that these funds shall be used for purposes consistent with State domestic preparedness plans.

Within the amounts provided, the conferees include \$1,300,000,000 for a formula grant program to be allocated to the States subject to Section 1014 of Public Law 107-56. The conferees agree that funds shall be disbursed within 60 days of enactment of this Act; the conferees further agree that not less than 80 percent of funding provided to each State shall be transferred to local governments within 45 days of the State's receipt of funds.

An additional \$200,000,000 is provided for critical infrastructure formula-based grants subject to Section 1014(c)(3) of Public Law 107-56. The conferees agree that funds shall be disbursed within 60 days of enactment of this Act; the conferees further agree that not less than 50 percent of funding provided to each State shall be transferred to local governments within 45 days of the State's receipt of funds.

The conferees also provide \$700,000,000 for discretionary grants to high-threat, high-density urban areas, and for the protection of critical infrastructure. The conferees expect that ODP will allocate these funds no later than 30 days after enactment of this Act. The conferees also agree that no less than 80 percent of discretionary grants provided to any State shall be transferred to local governments within 45 days of the State's receipt of funds. In making grants to State and local governments, the conferees further direct the Secretary of Homeland Security to take into consideration credible threat, vulnerability, the presence of infrastructure of national importance, population, and identified needs of public agencies. Grants may be made to single or multiple jurisdictions in the same urban area.

Finally, the conferees agree to provide \$30,000,000 for direct technical assistance to States.

The conferees agree that overtime expenses incurred and related to heightened security levels are an eligible use of funds provided for both critical infrastructure grants and discretionary grants to high-threat, high-density urban areas and for the protection of critical infrastructure.

The conferees direct ODP to submit a plan, no later than 120 days after enactment of this Act, on overtime accountability. This report shall include how overtime costs in direct support of increased security can be properly measured at the State and local government levels and a plan for reimbursement of these expenses.

In addition to reports to be submitted to the Committees on Appropriations in accordance with Senate Report 108-33, the conferees further direct the Department to provide a report that lists all federal programs within the Department of Homeland Security that make grants to States and/or local governments, including those for emergency preparedness and support for first responders, public health agencies, local law enforcement agencies and other security providers. The report shall be submitted by May 30, 2003 and include: (1) the amount of funds appropriated for each of fiscal years 2002 and 2003; (2) the amount of appropriated funds that have been obligated by the Department of Homeland Security and the grantee and expended by the grantee; (3) the point of contact in the federal government responsible for responding to inquiries on the status of grant funds; and (4) the administrative or other impediments that may delay the obligation of grant funds.

#### UNITED STATES COAST GUARD OPERATING EXPENSES

The conferees agree to provide a total of \$228,000,000 for additional operating expenses of the Coast Guard instead of \$230,000,000 as proposed by the House and \$580,000,000 as proposed by the Senate. In addition to the \$228,000,000 provided under this heading, \$400,000,000 is provided to the Coast Guard by transfer from the Department of Defense. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations. Funds are provided as follows:

Deployment of Coast Guard personnel and assets overseas .....	\$180,000,000
Military outload security ..	220,000,000
Targeted increase to homeland security activities related to Operation Liberty Shield .....	180,000,000
Port security assessments	38,000,000
Merchant mariners documentation .....	10,000,000

The conferees expect that the funding provided under this act will allow the Coast

Guard to complete port security assessments at all tier one strategic ports.

#### SCIENCE AND TECHNOLOGY

The conferees direct the Under Secretary for Science and Technology to prepare a program plan for the development of an anti-missile device for commercial aircraft. The plan should identify the process for delivery and certification of a prototype and the proposed cost and schedule for such an activity. The report should be provided to the Committees on Appropriations within 30 days of enactment of this Act.

#### EMERGENCY PREPAREDNESS AND RESPONSE OPERATING EXPENSES

The conferees agree to provide \$45,000,000 as proposed by the House. Funds shall remain available until expended, but may not be obligated until 15 days after notification of the Committees on Appropriations.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The conferees agree to provide \$54,750,000 for the Emergency Management Planning and Assistance account for interoperable communications, instead of \$109,500,000 as proposed by the Senate. Funds may not be obligated until 15 days after notification of the Committees on Appropriations.

#### INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION OPERATING EXPENSES

The conferees agree to provide no funds for the Information Analysis and Infrastructure Protection Directorate, instead of \$10,000,000 as proposed by the House.

#### GENERAL PROVISIONS—THIS CHAPTER

Sec. 1601. The conferees agree to modify a provision proposed by the House providing reprogramming guidelines for the Department of Homeland Security.

Section 1601 requires the Department of Homeland Security to promptly and fully inform the Committees on Appropriations when a change in program execution and funding is required during the fiscal year. To assist the Department in this effort, the following guidance is provided for reprogramming during fiscal year 2003.

A reprogramming shall be submitted for any action that (1) creates a new program; (2) eliminates a program, project or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity in an appropriations Act or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference, for a different purpose.

A reprogramming shall be submitted when any Departmental action results in the movement of funds to or from any program, project, or activity in excess of \$5,000,000 or 10 percent, whichever is less.

The Department must notify the Committees on Appropriations on both Houses of Congress 15 days in advance of such reprogrammings. The Department must also notify the Committees at the end of each quarter during the fiscal year of all reprogramming actions that have been completed during that quarter involving less than \$5,000,000 or 10 percent.

Clearly stated and detailed documentation presenting justification for the reprogramming shall accompany each request. Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

For purposes of this section, the term "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statement of the committee of conference.

The conferees further expect the Department to comply with directives in the statements of managers accompanying any appropriations conference report relative to appropriations for programs, projects and activities transferred to the Department.

Sec. 1602. The conferees agree to include a provision proposed by the Senate allowing the Under Secretary of Homeland Security for Border and Transportation Security to issue letters of intent to airports to provide assistance for the installation of explosive detection systems and requiring status reports.

Sec. 1603. The conferees agree to include a provision proposed by the Senate allowing the Bureau of Customs and Border Protection to accept donations of body armor for United States Border Patrol agents and Border Patrol canines.

Senate Bill Sec. 601. —The conferees agree not to include a provision proposed by the Senate requiring inspection of all commercial motor vehicles entering the United States through specific ports of entry. This issue has been addressed in the Bureau of Customs and Border Protection section of the statement of managers.

#### CHAPTER 7

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes \$16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS) as proposed by the House. The Senate had provided the same amount within the Office of the Secretary.

The conferees understand that sufficient funds were made available to the CDC for injury prevention and control to maintain support for activities to better understand the scope of child abuse and neglect and its consequences at the FY2002 level.

##### OFFICE OF THE SECRETARY

##### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes \$100,000,000 within the Public Health and Social Services Emergency Fund for the Centers for Disease Control and Prevention to assist State and local health authorities with the costs associated with the civilian smallpox vaccination program, instead of \$94,000,000 as proposed by the House. The Senate had provided \$105,000,000 for this purpose within the Office of the Secretary. Because many State and local health departments have already devoted substantial resources to the smallpox vaccination program, often at the expense of other important public health and bioterrorism preparedness tasks, the conferees intend that these funds be available to assist health departments in covering costs already incurred as well as to assist with costs that will be incurred in the future.

In addition, the conference agreement includes \$42,000,000 within the Public Health and Social Services Emergency Fund for costs associated with compensating individuals with injuries resulting from smallpox vaccine and related countermeasures, instead of \$50,000,000 as proposed by the House

and \$35,000,000 as proposed by the Senate. The funds are made available subject to the enactment of authorizing legislation and remain available until expended as proposed by both the House and Senate. The conferees intend the funds to be used to provide compensation under the rules and conditions specified in legislation authorizing a smallpox vaccine compensation program.

#### SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

The conference agreement does not include funds within this new account to support grants to States for smallpox and other bioterrorism inoculation activities as proposed by the Senate. Funds for this purpose have been provided within the Public Health and Social Services Emergency Fund account as proposed by the House.

#### SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

The conference agreement does not include funds within this new account to support costs associated with the prevention and control of Severe Acute Respiratory Syndrome as proposed by the Senate. Funds for this purpose have been provided within the Centers for Disease Control and Prevention account as proposed by the House.

#### GENERAL PROVISION REPATRIATION

Section 1701 of the conference agreement includes a provision proposed by the Administration and included in both the House and Senate bills that removes, for fiscal year 2003, the \$1,000,000 statutory cap included in the Social Security Act on funds used to provide assistance to U.S. citizens and their dependents returning from foreign countries who have been determined by the Department of State to be destitute, mentally ill, or requiring emergency evacuation due to threatened armed conflict, civil strife, or natural disasters.

#### CHAPTER 8 LEGISLATIVE BRANCH APPROPRIATIONS HOUSE OF REPRESENTATIVES SALARIES AND EXPENSES COMMITTEE EMPLOYEES STANDING COMMITTEES, SPECIAL AND SELECT

Appropriates \$11,000,000 for Committee Employees Standing Committees, Special and Select, to fund the Select Committee on Homeland Security authorized by House Resolution 5, adopted January 7, 2003. Inasmuch as this item relates solely to the House, and in accord with the long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

#### CAPITOL POLICE

##### GENERAL EXPENSES

Appropriates \$37,738,000 for general expenses of the Capitol Police. The conferees note that no part of such amount may be obligated without prior approval of the Committee on Appropriations of the House of Representatives and the Senate.

#### OFFICE OF COMPLIANCE SALARIES AND EXPENSES

Appropriates \$111,000 to cover contracted services of hearing officers and mediators for the increased number of hearings.

#### ARCHITECT OF THE CAPITOL CAPITOL BUILDING

Appropriates \$1,100,000 for an emergency egress project.

#### CAPITOL POWER PLANT

Appropriates \$22,679,000, of which \$3,900,000 is for high voltage switchgear transformers

and \$18,779,000 is provided for Phase II of the West Refrigeration Plant Expansion.

#### CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates a total of \$40,140,000 for the Capitol Police Buildings and Grounds. Of this amount, \$14,140,000 is provided to be used, in addition, to previously appropriated fund for the Headquarters requirements. The conferees anticipate that additional funding for construction will be requested in the future through the normal budget process. In addition, the Architect of the Capitol is directed to have the Naval Facilities Command serve as the primary executing agency for this project. A total of \$10,000,000 is for the cost of leasing interim space, pending execution of the facilities master plan. The remaining \$16,000,000 shall be used to construct the Tactical Training Facility in Cheltenham, Maryland, for the sole use of the United States Capitol Police.

#### LIBRARY OF CONGRESS SALARIES AND EXPENSES

Appropriates \$5,500,000 for the purchase and installation of a public address system for the Library buildings. The conferees direct procurement and installation of any public address system to conform with any system selected by the United States Capitol Police. The Librarian of Congress, in conjunction with the Chief of the Capitol Police, shall report to the Committees on Appropriations of the House and the Senate no later than June 1, 2003 that the system meets the requirements as specified by the Capitol Police.

#### CONGRESSIONAL RESEARCH SERVICE SALARIES AND EXPENSES

Appropriates \$1,863,000 for the implementation of the Congressional Research Service's portion of the alternate computer facility.

#### GENERAL ACCOUNTING OFFICE SALARIES AND EXPENSES

Appropriates \$4,849,000 for the security of GAO facilities and information systems.

#### GENERAL PROVISIONS, THIS CHAPTER

A general provision is included making a technical correction relative to a Senate item regarding town meeting notices. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

#### CHAPTER 9 DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION MILITARY CONSTRUCTION, NAVY

The conference agreement includes a proviso, as proposed by the House, which provides project authorization pursuant to section 2802, title 10, United States Code. The Senate did not include a similar provision.

The following project is included in the account:

Location/Installation	Project title	Cost
Cuba: Guantanamo Bay .....	JTF Military Commission Complex.	\$48,100,000

#### MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes \$152,900,000 for Military Construction, Air Force, instead of \$5,100,000 as proposed by the House and \$127,400,000 as proposed by the Senate. The conference agreement also includes a proviso, as proposed by the House, which provides project authorization pursuant to section 2802, title 10, United States Code. The Senate did not include a similar provision.

The following projects are included in the account:

Location/Installation	Project title	Cost
Diego Garcia .....	Explosive Ordnance Pad .....	\$3,200,000
Classified Location .....	Millennium Village .....	110,500,000
Guam: Andersen AFB .....	Aircraft Maintenance Hangar .....	35,500,000
Worldwide Various .....	Planning and Design .....	3,700,000
Total .....		152,900,000

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The conference agreement includes \$1,800,000 for "Family Housing Operation and Maintenance, Air Force," as proposed by the House instead of \$2,000,000 as proposed by the Senate. The funding is provided for the following purpose:

Location/Installation	Project title	Cost
Guam: Andersen AFB .....	Family Housing Repairs .....	\$1,800,000

#### GENERAL PROVISIONS—THIS CHAPTER

This chapter contains two provisions. The conferees agree to provide authority for the Department of Defense (DOD) to expend up to \$150,000,000 of funds from the Act for military construction, not otherwise authorized by law, which is certified necessary to support the war on terrorism or operations in Iraq. Section 1901 establishes guidelines for transferring funds from other accounts into the contingency construction account under the auspices of section 2804 of title 10. The provision creates a notification system that informs Congress of the transfer and justifies the need for the project without slowing down the obligation of funds for urgent requirements. The provision clarifies the definition of military construction to preclude interpretations that would permit the expenditure of inappropriate funds for military construction purposes.

Approximately \$750,000,000 appropriated to operation and maintenance accounts has been obligated for construction activities supporting the global war on terrorism and operations in Iraq. Funds for these projects have been expended without providing notice to Congress despite repeated requests for information by both House and Senate Appropriations Committees and House and Senate Armed Services Committees and as required by law.

Some of these projects are, by definition, military construction projects. Under title 10, chapter 169, military construction projects require congressional authorization and appropriation before funds can be obligated. Exceptions exist but are limited. Admittedly, the statutorily-mandated military construction process is cumbersome and can be slow. Another complication is the lack of a dedicated source of funding for contingency construction needs. These problems impede timely response to urgent requirements of armed conflict.

To circumvent these obstacles, DOD created a class of construction activities for which it deemed operation and maintenance funds could be expended. Effectively, without benefit of legal authority or regulation, the statutory definition of "military construction" was obviated for certain types of construction projects. Formalized in a memorandum issued by the Under Secretary of Defense/Comptroller on February 27, 2003, DOD purported to establish a "practice of expending operation and maintenance appropriations for construction activities—apart from those projects for which [these] appropriations are available under Title 10, United States Code, Chapter 169—under narrowly limited conditions."

DOD argues that long-standing practice enables it to utilize this legal construct under certain circumstances despite its effect of vitiating and/or amending the underlying statute. Furthermore, DOD asserts

that if Congress opposed the practice, then Congress would amend the law. The conferees disagree with this pronouncement, which effectively obviates the law and turns an alleged practice into de facto law. Even more troubling to the conferees is the lack of information and/or notification to Congress about this practice despite repeated requests.

This provision is narrowly tailored to affect only those military construction projects that have been construed by the February 27, 2003, memorandum to be operation and maintenance construction. The provision neither modifies current law regarding the use of operation and maintenance funds nor does it change the threshold amounts for operation and maintenance or unspecified minor construction. The provisions are not intended to, nor do they, hamstring the commanders in the field who need to execute projects quickly and efficiently. The conferees have been assured that the authorization committees will investigate this matter further and seek to amend the law to prevent future actions of this kind.

Section 1902 provides the Secretary of the Army with authority to accept funds from the State of Utah to extend a runway at Michael Army Airfield, Dugway Proving Ground, Utah.

#### CHAPTER 10

#### DEPARTMENT OF TRANSPORTATION

##### MARITIME ADMINISTRATION

##### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement appropriates \$25,000,000 instead of \$50,000,000 as proposed by the Senate, for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) program. As proposed by the Senate, such funds are to remain available until September 30, 2005. The House bill contained no similar appropriation. The bill specifies that none of these funds may be obligated until the House and Senate Committees on Appropriations receive a certification from the Department of Transportation Inspector General that the Maritime Administration has adopted and is implementing the recommendations of report #CR-2003-031 to his satisfaction. The Conferees further direct the Maritime Administration to submit a written report to the House and Senate Committees on Appropriations on the status of implementation of these recommendations no later than June 1, 2003. It is expected that the Maritime Administration will work closely with the Secretary of Defense to ensure that priority is given to vessels that not only provide commercial viability, but also exhibit military utility, such as tank vessels capable of transporting refined product as a business commodity and jet fuel in time of war or roll-on/roll-off vessels capable of carrying automobiles during peacetime and light military vehicles in time of armed conflict.

#### TITLE II—MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

##### CHAPTER 1

##### SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

##### GENERAL PROVISIONS

Senate Section 101.—The conference agreement (Section 2106) includes certain provisions related to technical assistance for conservation programs.

Senate Section 102.—The conference agreement does not include bill language proposed by the Senate establishing a statutory reporting requirement. The conferees direct that not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Adminis-

trator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Appropriations, a report that describes the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust. This report shall include: whether that policy includes an intent to replenish the trust; the means by which the Secretary proposes to ensure that the United States retains the long-term capability to respond to international food shortages; and whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be part of that strategy.

Senate Section 201(a).—The conference agreement (Section 2101) includes language regarding a USDA task force.

Senate Section 201(b).—The conference agreement does not include language regarding ginseng labeling requirements.

Senate Section 201(c).—The conference agreement (Section 2102) includes language regarding certain losses in New Mexico.

Senate Section 201(d).—The conference agreement does not include language regarding dairy provisions.

Senate Section 201(e).—The conference agreement (Section 2103) includes language regarding the Livestock Compensation Program.

Senate Section 202.—The conference agreement (Section 2104) includes language regarding organically produced feed.

Senate Section 203.—The conference agreement (Section 2105) includes language regarding wild seafood.

#### CHAPTER 2

##### DEPARTMENT OF COMMERCE AND RELATED AGENCIES

##### RELATED AGENCIES

##### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### EUROPEAN COMMUNITIES MUSIC LICENSING DISPUTE

The conference agreement includes \$3,300,000 for a one-time only, lump-sum payment of the European Communities to cover a three-year period for nullification or impairment from Section 110(5) of the U.S. Copyright Act.

##### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement includes \$65,000,000 for the costs of weather satellite systems, including \$41,000,000 or geostationary systems and \$24,000,000 for polar orbiting systems.

##### RELATED AGENCIES

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

The conference agreement includes \$15,000,000 for the salaries and expenses of the Equal Employment Opportunity Commission (EEOC) for fiscal year 2003. The conferees expect the EEOC to use these funds to avoid furloughs during fiscal year 2003. The EEOC may use funds provided to pursue employee buyouts, as authorized by Public Law 107-296.

The conferees are concerned about the lack of sound managerial and fiscal practices that resulted in the EEOC's shortfall in fiscal year 2003. It is troubling that the Commission's shortfall was not uncovered until after a quarter of the fiscal year had transpired.

The conferees direct the EEOC to submit quarterly reports to the Committees on Appropriations, including projected and actual

spending and staffing levels. This information will allow the Committees to better understand EEOC's fluctuations in cost and staff. This data will also assist the EEOC in making more accurate estimates during the budget formulation process or, at a minimum, making adjustments to the budget request prior to the commencement of the fiscal year.

##### NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

##### SALARIES AND EXPENSES

The conference agreement includes \$11,000,000 for the Commission, as described in the Senate report.

##### GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language amending a provision of law regarding fisheries capacity reduction programs, as proposed in the Senate bill.

#### CHAPTER

##### SUBCOMMITTEE ON DISTRICT OF COLUMBIA

##### DISTRICT OF COLUMBIA FUNDS

##### OPERATING EXPENSES

##### DIVISION OF EXPENSES

On February 20, 2003, the District of Columbia announced additional fiscal year 2003 budget pressures totaling \$128,000,000 resulting from \$52,500,000 in lower estimated revenues and \$75,500,000 in higher estimated operating costs. A revised outlook on March 10, 2003 increased the budget deficit to \$133,567,000. On March 31, 2003, the Council of the District of Columbia enacted the Fiscal Year 2003 Supplemental Budget Request Emergency Act of 2003 to close this budget gap. This Chapter of the conference agreement provides the necessary Congressional action to balance the District's budget. The conferees expect the Chief Financial Officer of the District of Columbia to submit a final accounting of all actions taken to close the budget gap no later than May 5, 2003.

##### GOVERNMENTAL DIRECTION AND SUPPORT

##### (INCLUDING RESCISSIONS)

The conferees rescind \$8,752,000 from Governmental Direction and Support, instead of \$9,358,000 as proposed by the Senate. Included in this amount is a rescission of \$8,655,000 from local funds and \$97,000 from other funds. The House bill contained no similar provision. These funds are attributable to savings associated with the reduction in risk management functions within the Office of the Corporation Counsel, a District-wide hiring freeze, and a reduction of telecommunications costs and contractual obligation savings within various agencies.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

##### ECONOMIC DEVELOPMENT AND REGULATION

##### (INCLUDING RESCISSIONS)

The conferees provide a net increase of \$13,428,000 for Economic Development and Regulation, instead of \$14,998,000 as proposed by the Senate. Included in this amount are a rescission of \$1,282,000 from local funds and an increase of \$14,710,000 from other funds. The House bill contained no similar provision. The additional funds are attributable to increased costs associated with the Summer Youth Program, the Home Purchasing Assistance Program, the Multi-family Rehabilitation Program, the Relocation Program and Workers Compensation Fund, and the Public Charter School Revolving Fund and Credit Enhancement Fund. The rescission is attributable to reducing various Department of Housing and Community Development

programs, the suspension of the Net 200 Partnership Program, and savings associated with a District-wide hiring freeze.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purpose for which they are designated.

#### PUBLIC SAFETY AND JUSTICE

The conferees provide an increase of \$11,462,000 in local funds for Public Safety and Justice instead of \$10,422,000 as proposed by the Senate. The House bill contained no similar provision. These funds are attributable to increased costs associated with additional overtime for the Metropolitan Police Department, the Department of Corrections, and the Fire and Emergency Management Agency.

#### PUBLIC EDUCATION SYSTEM (INCLUDING RESCISSIONS)

The Conferees rescind \$11,435,000 from the Public Education System instead of \$11,667,000 as proposed by the Senate. Included in this amount is a rescission of \$13,546,000 from local funds and an additional amount of \$2,111,000 from other funds. The House bill contained no similar provision. This funding is to be distributed as follows: and increase of \$2,029,000 for the District of Columbia Public Schools; a rescission of \$181,000 from the State Education Office from savings attributable to a District-wide hiring freeze; a rescission of \$12,000,000 from the District of Columbia Public Charter Schools from savings attributable to a lower than projected student enrollment; a rescission of \$1,040,000 from the University of the District of Columbia from savings attributable to a District-wide hiring freeze; and a rescission of \$237,000 from the District of Columbia Public Libraries and \$6,000 from the Commission on the Arts and Humanities from savings attributable to reductions made in the Arts project program.

The conferees do not include language proposed by the Senate to require that no less than \$3,000,000 of the \$12,000,000 rescinded from the District of Columbia Public Charter Schools be used for providing adequate charter school facilities and educational programming in public charter schools. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

#### HUMAN SUPPORT SERVICES (INCLUDING RESCISSION)

The conferees provide a net increase of \$30,258,000 for Human Support Services instead of \$28,278,000 as proposed by the Senate. Included in this amount are an additional amount of \$34,292,000 from local funds and a rescission of \$4,034,000 from other funds. The House bill contained no similar provision. The additional funds are attributable to an increase in Health Care Safety Net medical claims, higher Medicaid costs at nursing facilities, a Medicaid shortfall for the Youth Service Administration and the Child and Family Services Agency, enhanced court order costs associated with the Mental Retardation and Developmental Disabilities Agency, unbudgeted costs associated with out-of-state tuition for foster care students, increased unemployment compensation funds, and a decrease of TANF surplus funds. The rescission is attributable to savings associated with a District-wide hiring freeze and a reduction of telecommunications costs and contractual obligation savings within various agencies.

The conferees do not include language proposed by the Senate to amend the District of

Columbia Appropriations Act, 2003 to delete the earmark for the Interim Disability Assistance Fund. The House bill contained no similar provision.

The conferees include language proposed by the Senate to amend the District of Columbia Appropriations Act, 2003 to increase the amount of local funds to be deposited in the Medicaid and Special Education Reform Fund from \$37,500,000 to \$74,500,000. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

#### PUBLIC WORKS (INCLUDING RESCISSION)

The conferees provide a net increase of \$2,420,000 for Public Works instead of \$3,107,000 as proposed by the Senate. Included in this amount are a rescission of \$8,998,000 from local funds and an additional amount of \$11,418,000 from other funds. The House bill contained no similar provision.

The conferees include language proposed by the Senate to extend the availability of \$512,000 from other funds for the taxicab revolving loan fund until expended. The House bill contained no similar provision.

The conferees authorize the District to expend additional other-type revenues with the understanding that these funds will only be used for the purposes for which they are designated.

#### REPAYMENT OF LOANS AND INTEREST (INCLUDING RESCISSION)

The conferees rescind \$2,466,000 from Repayment of Loans and Interest as proposed by the Senate. The House bill contained no similar provision.

#### WILSON BUILDING (INCLUDING RESCISSION)

The conferees rescind \$700,000 from the Wilson Building. The House and Senate bills contained no similar provision.

#### WORKFORCE INVESTMENT (INCLUDING RESCISSION)

The conferees rescind \$2,000,000 from Workforce Investment as proposed by the Senate. The House bill contained no similar provision.

#### NON-DEPARTMENTAL AGENCY (INCLUDING RESCISSION)

The conferees rescind \$5,799,000 from the Non-Departmental Agency as proposed by the Senate. The House bill contained no similar provision.

#### General Provisions, This Chapter

Sec. 2301. The conferees include a modified Senate provision to allow the District of Columbia to use \$12,081,000 from funds identified in the fiscal year 2002 Comprehensive Annual Financial Report (CAFR) as the District's undesignated, unreserved fund balance to cover revenue shortfalls. The House bill contained no similar provision.

The CAFR is a government-wide financial statement prepared by the Chief Financial Officer of the District of Columbia. At the close of fiscal year 2002, the total fund balance was \$865,328,000. Of this total, \$115,327,000 is unreserved, undesignated, and available for expenditure pending appropriation authority. The conferees provide authority to transfer \$12,081,000 of these funds to the District of Columbia's operating budget to partially cover the \$52,500,000 reduction in revenues that is part of the \$133,567,000 budget shortfall.

The conferees note that of the total fund balance amount, \$447,431,000 or 52 percent is restricted. These restricted funds may be ex-

pended only when established legal prerequisites have been met. It is within this restricted fund balance that the District maintains its congressionally-mandated seven percent emergency and contingency cash reserve of \$248,731,000, established under section 450A of the District of Columbia Home Rule Act (Public Law 93-198). The conference agreement allows the District to transfer funds to address revenue shortfalls due to the economic downturn, but does not provide authority for the District to draw upon this restricted portion of the fund balance. Any funds expended from the emergency and contingency cash reserves must be replenished during fiscal year 2004.

Sec. 2302. The conferees include a provision proposed by the Senate to extend the Chief Financial Officer's personnel, procurement, and preparation of fiscal impact statement authorities through September 30, 2004. The House bill contained no similar provision.

Sec. 2303. The conferees include a provision to amend the District of Columbia Appropriations Act, 2003 to allow funds made available to the Friends of Fort Dupont to be used to support the Fort Dupont's Kids on Ice program. The House and Senate bills contained no similar provision.

#### CHAPTER 4

##### DEPARTMENT OF THE INTERIOR

##### UNITED STATES FISH AND WILDLIFE SERVICE STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement includes a technical correction to the fiscal year 2003 appropriation for State and Tribal Wildlife Grants, correcting a reference to the amount of be deducted for competitive grants to Tribes prior to the distribution of the remaining grant funds. The House and Senate proposed identical language.

##### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement corrects the amount provided for the Operation of the National Park System in fiscal year 2003 as proposed by the Senate. The agreement adds \$9,000,000 for park operations to reflect accurately the fiscal year 2003 conference agreement for this account.

##### BUREAU OF INDIAN AFFAIRS

##### CONSTRUCTION

The conference agreement provides for the release of previously appropriated funds for construction of the Ojibwa Indian School in North Dakota as proposed by the Senate. The House had no similar provision.

##### GENERAL PROVISION, THIS CHAPTER

Sec. 2401. The conference agreement, as proposed by the Senate, modifies section 328 of the Interior and Related Agencies Appropriations Act, 2003, dealing with the processing of grazing permits by the Forest Service. The House had no similar provision.

The managers are concerned that an ambiguity may exist with respect to Section 328 of Division F of Public Law 108-7 concerning grazing permits issued by the Forest Service. This ambiguity may lead to court decisions that are not consistent with Congressional intent. The intent of Section 328, among other things, was that no grazing permit should be invalidated because the Forest Service had not completed the allotment analysis prior to the date listed in a 1996 Forest Service schedule adopted by the agency pursuant to Section 504 of the Rescissions Act. Accordingly, this section has been included to remove the clause, ". . . under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104-19)" from Section 328. The managers reiterate that any Forest Service grazing permit issued to replace a permit that expired after the date for analysis of the allotment in the 1996 schedule is



valid even though the allotment analysis may not have been completed by the due date in the 1996 schedule.

This section does not exempt the Forest Service from completing the environmental analysis of grazing allotments on the 1996 Schedule. It simply allows for the continuation of ongoing activities while the required environmental analysis is completed. The managers emphasize that this provision does not prevent the Forest Service from taking appropriate action consistent with agency policies and procedures to address violations of permit terms and conditions.

The conference agreement does not require the Secretary of the Interior to report on her intentions with respect to the sale of 983 acres in Clark County, Nevada as proposed by the Senate.

The conference agreement does not extend the authorization for energy savings performance contracting as proposed by the Senate in section 602 of title VI.

#### CHAPTER 5

##### DEPARTMENT OF LABOR

###### EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

The conference agreement does not include language as proposed by the Senate providing \$1,000,000 for the Jobs for America's Graduates program. The House bill did not have a similar provision.

###### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### HEALTH RESOURCES AND SERVICES ADMINISTRATION

###### HEALTH RESOURCES AND SERVICES

The conference agreement includes Senate bill language making technical corrections to projects funded in the fiscal year 2003 appropriations act. The House bill included almost identical language. In addition to the technical corrections described in the House and Senate reports accompanying the supplemental appropriations bill, the conferees also include the following technical changes to the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10) in the matter in title II of Division G:

—the provision specifying Northwestern Medical Center, St. Albans, Vermont shall be deemed to read as follows: "Missisquoi Valley Union High School District, Swanton, Vermont";

—the provision specifying Springfield Regional Outpatient Cancer Center shall be deemed to read as follows: "Mercy Health Partners, Springfield, Ohio";

—the provision specifying St. John Bosco Clinic, Miami, Florida shall be deemed to read as follows: "Mercy Hospital, Miami, Florida";

—the provision specifying Oklahoma State Department of Health, Oklahoma City, Oklahoma, for a Mississippi-Oklahoma Rural Telemedicine Initiative shall be deemed to read as follows: "Oklahoma State Office of Rural Health"; and

—the provision specifying Iowa Telecare Consortium to develop a disease management demonstration project in Iowa shall be deemed to read as follows: "Iowa Chronic Care Consortium to develop a disease management demonstration project in Iowa".

The conferees concur in the description in the Senate report of the grant for the Children's Hospital Central California as being in Madera, CA rather than in Fresno, CA as described in the House report.

The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108-7.

###### ADMINISTRATION FOR CHILDREN AND FAMILIES CHILDREN AND FAMILIES SERVICES PROGRAMS

The conferees concur with language contained in the Senate report that makes a

technical correction to a project contained in the statement of managers accompanying H.J. Res. 2.

###### ADMINISTRATION ON AGING

###### AGING SERVICES PROGRAMS

The conferees concur with language contained in the Senate report that makes technical corrections to projects contained in the statement of managers accompanying H.J. Res. 2.

###### OFFICE OF THE SECRETARY

###### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes language making a technical correction to the Public Health and Social Services Emergency Fund as proposed by the Senate. The House bill had included the same correction in section 2003 of Title II.

###### GENERAL PROVISIONS

Section 2501 of the conference agreement includes a provision making a technical correction to section 207 of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2003 (Public Law 108-7, div. G) as proposed by the House. The Senate bill included no similar provision.

Section 2502 of the conference agreement includes a provision making a technical correction to language in Section 215 in title II of the Departments of Labor, Health and Human Services, and Related Agencies Appropriations Act, 2003 (Public Law 108-7, div. G) regarding international health activities as proposed by the House and Senate.

###### DEPARTMENT OF EDUCATION

###### SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes language making technical corrections to the Math and Science Partnerships program and the Troops to Teachers program as proposed by both the House and the Senate. The conference agreement also includes technical corrections to various projects as proposed by the House and the Senate. The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108-7.

###### HIGHER EDUCATION

The conference agreement includes technical corrections to various projects as proposed by the House and the Senate. The agreement also includes a technical correction relating to a project for the University of Southern Maine that was not contained in either House or Senate bills. The conferees intend that the amounts provided will still be subject to the across the board cut of 0.65 percent included in Public Law 108-7.

###### GENERAL PROVISIONS

Section 2503 of the conference agreement includes language proposed by the Senate amending the Elementary and Secondary Education Act to raise the maximum age of student eligibility in the Advanced Placement program from 17 to 19. The House bill contained no similar provision.

Section 2504 of the conference agreement also includes a provision proposed by the Senate (Title VI, Section 605 of the Senate bill) amending the Elementary and Secondary Education Act to make a technical change to the Alaska Native Equity in Education program. The House bill contained no similar provision.

###### RELATED AGENCIES

###### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

###### DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement includes a technical correction clarifying the restrictions

on providing stipends to certain volunteers as proposed by both the House and the Senate.

###### CHAPTER 6

###### SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

Includes two technical corrections related to the "Library of Congress—Salaries and Expenses" of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, Division H).

Includes a technical correction to Section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, Division H).

Includes a provision related to the Capitol Preservation Fund

###### CHAPTER 7

###### DEPARTMENT OF TRANSPORTATION

The conference agreement includes a provision proposed by the House and Senate amending section 336 of division I of Public Law 108-7 by striking "Transportation Management" and inserting "Urbanized".

The conference agreement includes a provision proposed by the Senate amending section 321 of division I of Public Law 108-7 by: (1) inserting "or underneath" in subsection (q)(2) before "the Class B airspace"; (2) deleting "has sufficient capacity and" in subsection (q)(3) after "Title 49"; and (3) inserting "passenger" in subsection (q)(3) before "delays". The House bill contained no similar provision.

The conference agreement includes a provision proposed by the House clarifying that amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of 112 Stat. 263. The Senate bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate expressing the sense of the Senate regarding the integration of employee groups resulting from the acquisition of Trans World Airlines by American Airlines. The conferees reiterate that this provision expresses the sense of the Senate. The House bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate which states that no provision of this Act may be construed as altering or amending provisions of law requiring the use of privately-owned United States flag commercial vessels for certain transportation purposes. The House bill contained no similar provision.

The conference agreement includes provisions clarifying the eligibility of certain projects funded in Public Law 108-7 and adjusting the funding for projects under "Federal Highway Administration, limitation on administrative expenses" in that bill to conform to the intent of Congress as referenced in the Statement of the Managers accompanying that conference agreement.

The conference agreement includes a provision relating to the use of Federal Transit Administration formula grant operating funds for certain communities that became part of an urbanized area as determined by the 2000 federal decennial census. This provision is similar to statutory changes enacted last year in Public Law 107-232.

The conference agreement includes a provision amending section 41743(c)(4) of title 49, U.S. Code, to provide flexibility in the award of grants under the Small Community Air Service Development Pilot Program. The revision will allow the Department of Transportation to consider grant requests from applicants who are not currently in the program.

The conference agreement includes a provision proposed by the Senate amending section 626 of title VI of division B of Public

Law 108-7 by striking the word "previously". The House bill contained no similar provision.

The conference agreement modifies language proposed by the Senate limiting the use of funds for transportation services provided under section 41106 of title 49. The agreement limits the obligation of funds in this or any other Act for transportation described in section 41106 to air carriers effectively controlled by citizens of the United States. The agreement further provides criteria to make this determination, and specifies that the Secretary of Defense may waive these provisions in certain instances. The agreement further directs the Secretary of Transportation to use the services of an administrative law judge in a formal proceeding to resolve docket number OST-2002-13089. The House bill contained no similar provision.

The conferees direct the Secretary of Transportation to examine the impact that airlines emerging from bankruptcy could have on hub airports as well as the ramifications on airport systems and U.S. capital bond markets. The conferees further direct the Secretary of Transportation to report his findings to the House and Senate Committees on Appropriations no later than thirty days after enactment of this Act.

#### CHAPTER 8

Subcommittee on Veterans Affairs and Housing and Urban Development, and Independent Agencies

#### DEPARTMENT OF VETERANS AFFAIRS

##### DEPARTMENT ADMINISTRATION

##### GENERAL OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$100,000,000 for providing medical care and for the evaluation and administration of benefits to veterans returning from the conflict in the Persian Gulf pursuant to 38 U.S.C. 1710(e)(1)(D). The Secretary has the authority to transfer such sums in this paragraph as necessary to medical care.

##### ADMINISTRATIVE PROVISION

The conference agreement does not include a provision proposed by the House allowing the VA to use funds appropriated in P.L. 108-7 for the purpose of creating medical response centers. The Senate did not include a similar provision.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT FUND

The conference agreement includes modified language similar to language proposed by the Senate, making technical corrections to specific grants funded in prior appropriations Acts. The House bill did not include similar language.

##### MANAGEMENT AND ADMINISTRATION

##### SALARIES AND EXPENSES

The conference agreement does not include language proposed by the Senate related to the Chief Financial Officer. The House bill did not include similar language.

##### INDEPENDENT AGENCIES

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates \$64,000,000 to the Corporation for National and Community Service ("Corporation") to liquidate prior year obligations as proposed by both the House and the Senate. The conference agreement includes two provisions proposed by the Senate limiting the funds provided under this heading only for liquidation of the prior year obligations

and only after the Corporation provides a letter declaring the deficiency pursuant to the Anti deficiency Act and OMB Circular A-11.

The conferees have included a technical correction to P.L. 108-7, proposed by both the House and the Senate, regarding funds provided to the Office of the Chief Financial Officer.

##### ENVIRONMENTAL PROTECTION AGENCY STATE AND TRIBAL ASSISTANCE GRANTS

The conferees have included language which makes technical corrections to specific grants funded in previous appropriations Acts.

##### ADMINISTRATIVE PROVISION

The conferees have included language as proposed by the Senate making a technical correction in order to maintain the balance among payers of the maintenance fees as previously established by FIFRA. The language requires the Administrator of EPA to adjust the "maximum annual fee payable" (per-company caps) for pesticide maintenance fees proportional to the increase from the previous maximum collection level of \$17,000,000 as set forth in Public Law 107-73 to the newly-established maximum level of \$21,500,000 as set forth in Public Law 108-7. The House bill included no similar provision.

##### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

Amends P.L. 108-7 by allowing up to \$330,000,000 of previously appropriated funds to be used for the U.S. Polar Research Program as proposed by the Senate. This is an increase of up to \$10,000,000 to cover unanticipated costs due to weather. The House did not include a similar provision.

##### GENERAL PROVISIONS, THIS TITLE

The conferees have not included funding nor legislative language regarding the Waterbury Dam, Vermont, project as proposed by the Senate. The conferees direct the Corps of Engineers to report to Congress within 30 days of enactment of this Act on what is required to address the seepage and stability problems at Waterbury Dam for fiscal year 2004.

#### TITLE III—COLUMBIA ORBITER MEMORIAL ACT

The conference agreement includes the Columbia Orbiter Memorial Act as proposed by the Senate. The House did not include a similar title.

#### TITLE IV—AIRLINE-RELATED ASSISTANCE

The conference agreement includes a separate title providing airline-related assistance, as proposed by the Senate. The House bill provided airline-related assistance in Title I, chapter 5 under "Transportation Security Administration."

#### DEPARTMENT OF HOMELAND SECURITY TRANSPORTATION SECURITY ADMINISTRATION

The conference agreement includes an appropriation of \$2,395,750,000 for grants to air carriers. Of this appropriation, the first \$100,000,000 shall remain available until expended and shall compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by the Aviation and Transportation Security Act. The remaining amount, or \$2,295,750,000, is for grants to be made by the Transportation Security Administration to U.S. flag air carriers based on the proportional share of expenses incurred related to aviation security each carrier has paid or collected by the date of enactment of this Act by such air carrier in passenger security and air carrier security fees to the Transportation Security Adminis-

tration. Air carriers may use these funds for such purposes as each air carrier determines appropriate; however, the conferees intend that the direct assistance to air carriers made available under this heading should be expended, to the greatest extent possible, to address aviation security and should not be used to support non-security related business entities, ventures or activities including, but not limited to, ticket agent ventures.

The Transportation Security Administration may not remit passenger security and air carrier security fees to any airline providing compensation as defined in this Act to the two most highly compensated named executive officers that exceeds the base compensation that such executives received in 2002. The Transportation Security Administration shall not apply any conditions of receiving such assistance to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any carrier that does not operate trans-Pacific or trans-Atlantic flights.

Not later than thirty days after the last disbursement of funds made to airlines, the Transportation Security Administration shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science and Transportation, the House of Representatives Committee on Appropriations and the House Committee on Transportation and Infrastructure.

The conference agreement includes a provision that directs the Undersecretary for Border and Transportation Security of the Department of Homeland Security not to impose the fees authorized by section 4494(a) of title 49, U.S.C., during the period beginning June 1, 2003 ending September 30, 2003.

Though the Senate bill proposed appropriations to compensate airports for operating expenses and capital investments related to improvements in aviation security, the conferees have addressed this item in Title I, under Department of Homeland Security.

The conferees note that the additional burden placed upon the Transportation Security Administration in administering these grants is nominal and of limited duration since these payments constitute simple rebates. As such, the conferees direct that the administrative costs associated with this activity to be absorbed within existing staffing levels.

The conference agreement deletes sections 407 and 408 of the Senate bill. The House bill contained no similar provisions. The conferees direct the General Accounting Office to submit a report to the Congress on measures taken by air carriers to reduce costs and to improve their revenues and profits and to strengthen their balance sheets, as well as how the funds provided in this Act were expended by the air carriers to offset operating expenses. As part of this effort, the conferees expect that each carrier receiving assistance under this heading will transmit a plan to the Comptroller General within 90 days of enactment of this Act to reduce that air carrier's annual operating expenses by an amount equal to the greater of 10 percent of that carrier's annual operating expenses or the amount of financial assistance that the carrier has received under this heading.

The conference agreement extends the war risk insurance program under current conditions through the end of fiscal year 2004 as proposed by the Senate. The House bill contained no similar provision.

The conference agreement contains a provision providing an additional 26 weeks of

temporary extended unemployment. compensation for displaced airline related workers, as proposed by the Senate. The House bill contained no similar provision.

## TITLE V

## PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

The conferees agree to amend language in this title, as proposed by the Senate, which establishes a panel to review sexual misconduct allegations at the U.S. Air Force Academy.

## TITLE VI—GENERAL PROVISIONS—THIS ACT

The conference agreement includes a provision, as proposed by the House, that limits the availability of funds provided in this Act to the current fiscal year unless provided otherwise in this Act. The Senate bill contained no similar provision.

## CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2003 .....	\$74,725,028
House bill, fiscal year 2003 .....	77,903,328
Senate bill, fiscal year 2003 .....	77,947,209
Conference agreement, fiscal year 2003 .....	78,459,520
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2003 .....	+3,734,492
House bill, fiscal year 2003 .....	+556,192
Senate bill, fiscal year 2003 .....	+512,311

BILL YOUNG,  
RALPH REGULA,  
JERRY LEWIS,  
HAL ROGERS,  
FRANK WOLF,  
JIM KOLBE,  
JAMES T. WALSH,  
CHARLES H. TAYLOR,  
DAVID L. HOBSON,  
ERNEST J. ISTOOK, Jr.,  
HENRY BONILLA,  
JOE KNOLLENBERG,  
JACK KINGSTON,  
RODNEY P.  
FRELINGHUYSEN,  
DAVID OBEY,  
JOHN P. MURTHA,  
NORMAN DICKS,  
MARTIN OLAV SABO,  
ALAN B. MOLLOHAN,  
MARCY KAPTUR,  
PETER J. VISCLOSKEY,  
NITA M. LOWEY,  
JOSE E. SERRANO,  
JAMES P. MORAN,  
CHET EDWARDS,

*Managers on the Part of the House.*

TED STEVENS,  
THAD COCHRAN,  
ARLEN SPECTER,  
PETE V. DOMENICI,  
CHRISTOPHER S. BOND,  
MITCH MCCONNELL,  
CONRAD BURNS,  
RICHARD SHELBY,  
JUDD GREGG,  
ROBERT F. BENNETT,  
BEN NIGHTHORSE  
CAMPBELL,

LARRY CRAIG,  
KAY BAILEY HUTCHISON,  
MIKE DEWINE,  
SAM BROWNBACK,  
ROBERT C. BYRD,  
DANIEL K. INOUE,  
PATRICK J. LEAHY,  
TOM HARKIN,  
BARBARA A. MIKULSKI,  
HARRY REID,  
HERB KOHL,

(except for P.L. 480),

PATTY MURRAY,  
BYRON L. DORGAN,  
DIANNE FEINSTEIN,  
DICK DURBIN,  
TIM JOHNSON,  
MARY L. LANDRIEU,

*Managers on the Part of the Senate.*

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1201

## AFTER RECESS

The recess having expired, the House was called to order at 12 o'clock and 1 minute p.m.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider the conference report to accompany H.R. 1559; all points of order against the conference report and against its consideration are waived; the conference report shall be considered as read; and clause 10 of rule XX shall not apply to the question of adoption of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report accompanying H.R. 1559 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## CONFERENCE REPORT ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the

House, I call up the conference report on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume. I want to begin, Mr. Speaker, by thanking the Speaker for all of the tremendous effort that he put into this process to let us get to where we are today and also to the gentleman from Wisconsin (Mr. OBEY) and especially to the gentleman from Maryland (Mr. HOYER), who played an important role in the process of getting us where we are.

Mr. Speaker, we visited with the President just a little over 2 weeks ago, and we promised the President that we would deal with his supplemental request to, number one, pay for the war that has already taken place, provide additional money to fight the Iraqi Freedom operation.

In just about three weeks, we have done that, Mr. Speaker. We have produced the legislation in the House. Our colleagues in the Senate produced a similar bill, although they added some extraneous material, most of which we were able to take out in conference, but Mr. Speaker, this conference report, I have been on this Committee on Appropriations for a long, long time. This is probably the cleanest supplemental conference report that this House has seen, and so I feel pretty good about the product that we have, and we did what the President asked.

He asked for certain amounts of money for the war. He asked for certain amounts of money for homeland defense. He asked for certain amounts of money to deal with our colleagues in the coalition, and Mr. Speaker, we provided that, while at the same time preserving some of the constitutional responsibility of the Congress to be involved in the appropriation and to have some knowledge of how the appropriation was going to be used.

So, all in all, I think we have a great product here and over 400 Members voted for bill when it went through the House early on so I think that we can move this bill expeditiously, get it to the President, and then, Mr. Speaker, begin our work on the 13 regular 2004 appropriations bill.